“LAW OF POLICE SERVICE IN GUJARAT”

THESIS
SUBMITTED TO THE
SAURASHTRA UNIVERSITY
FOR THE AWARD OF
THE DEGREE OF

Doctor of Philosophy
In
The Faculty of Law

BY

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(Ph. D. Registration No. 3295 Dt. 15-9-2005.)

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AUGUST-2011

CERTIFICATE

This is to certify that the present work has been carried out by **Mr. K. J. Vaishnav** under my supervision. I recommend it for being submitted to the examiners for the award of Ph.D. degree in law.

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PREFACE

In recent years national and states attention has been directed to the topic of the police and the nature of policing. Although there are few occupations which are subject to the intense public scrutiny given the police in contemporary Indian society, those concerned with the historiography of the development of police work would no doubt note that concern with the organization and problems of the police can be traced through the centuries. The police function within a unique frame of reference. While, on the one hand, they are seen by the public—and by themselves—as law enforcers/crime preventers and as a visible extension of the legal system, on the other, most of their duty-connected activities are confined primarily to order-maintenance of peace-keeping. It is apparent that the police mandate is more than the basic requirement of stopping crime and enforcing laws. The police, in addition to being responsible for the enforcement of laws and ordinances, routinely do many things that have become their "duty" through default, such as handling problems for which no other agency is available.

Assigned as the protectors of law and order, no other executive wing of the Government, has come in for as much criticism as the police force. It high visibility, is the main factor, responsible for the focus on it. The citizen wants quick and ready justice at his doorstep and is not interested in legal niceties of the present system based on western ideas. The poor man can neither understand it, nor put his faith in its infallibility. What succor is there to a litigant, when his case lingers on, indefinitely for years? The number of old cases pending decisions in courts is going up year after year. How can the society, then protect itself, from the nuisance of anti-social elements, without either taking the law into its own hands, or helping the police to use brutal methods?

The improvement of police services is a major strategy that has been the concern of many, including several national commissions. It has generally been assumed that the improvement of police organization, operations, and management is a much more difficult task than improving training or raising personnel standards.

Coupled with this assumption is the popular notion that the upgrading of educational standards will result in significantly greater performance by police officers.

Although politicians, police, and others have often advocated the expansion of police employment to control crime, the empirical relationship between crime rates and police employment has seldom been systematically explored by social scientists. The analysis suggests that crime rates and police employment are reciprocally related.

Being a student of law, a lecturer in Law College Junagadh, and a visiting lecturer of law in Police Training College, Junagadh and Gujarat Police Academy, KARAI (Gandhinagar), I was trying to read, reread and comprehend the letters of law and the work of police force in this area. My Honourable guide Dr. N. K. Indrayan kindly suggested me to ponder over the topic, improved my reading and then, accepted me as his student.

Dr. N. K. Indrayan taught, analyzed and highlighted the complexities of law in a very simple manner to enable me to grasp the design of the thesis.

All credit goes to Dr. N. K. Indrayan.

K. J. Vaishnav
Advocate.

"LAW OF POLICE SERVICE IN GUJARAT"

I N D E X

CHAPTER-I

"LAW OF POLICE SERVICE IN GUJARAT"

(1) INTRODUCTION :

1.1 HISTORY OF POLICE:

There is no particular documented evidence of the existence of a separate agency for maintaining law and order during the Pre-British period, but scraps of information here and there in different classics of the country point to the existence of the police. There are good accounts of police administration during the Maurya, Gupta and Chola periods. The reports of Megasthnese and Kautilya's Arthashastra are the two authentic sources that give details of administration in the Mauryan period. This system continued without much change until the advent of Muslim rule.

The evidence about police administration during the Muslim period is as scarce as about the earlier period. The first piece of information appears in the fourteenth century, i.e. the Sultanate period. Then the official at the apex was the Amir Dad or Viceroy. But the person entrusted with the responsibilities of police administration was the Muhtasib. He was an Inspector-General of police, a Chief Engineer of public works, as well as an Inspector of Moguls. He used to delegate police duties in the cities of the Kotwals.

When the British came to India in 1609 with purely commercial interests, little had they realized that they would be ruling this country one day. Their commercial interests involved them in local politics which, finally, resulted in the colonization of India by Great Britain. The consolidation of the British position in India laid the foundation of the present-day police force. The need for a policing agency was felt first in 1792. By that time the East India Company had established itself fully in the three presidency provinces of Bengal, Bombay and Madras. Lord Cornwallis, the Governor-General of India, took police administration away from the large Zamindars in the three Presidency provinces in the same year. He divided districts into parts and a darogha was placed in charge of each of the parts. The darogha was made responsible to the district judge. In towns, the responsibility of police administration was left with the Kotwal. But this system did not succeed and was abolished in 1814. Sir Charles Napier conquered the territory of Sind for the Company in 1843.Napier had to create a new machinery and used the Royal Irish Constabulary as a model.

There was an Inspector-General of police for the entire territory, with Superintendents in each district. The Superintendent was responsible to the Inspector-General as well as Collector. This experiment was successful and its broad framework was used to reorganize police administration. Later, the model was used in other parts of India too. The main principles of Napier's model were not altered even by the police Commission 1860, which designed the present police force for India.

The Mutiny broke out in 1857. It, for the first time, forced awareness upon the British of Imperial domination in such a vast territory. The British felt the necessity to create a strong civil constabulary to meet internal disturbances and to protect the British and their interests in India. Thus, on the report of the police Commission 1860 a police administration was designed for British India. The police Act of 1861, passed by the British Parliament, created the present police system in India.[1]

1.2 POLICE AFTER INDEPENDENCE:

A new era began for the people of India with independence in 1947. Floodgates of aspirations were opened when the Constitution of India was adopted and enacted on 26th November 1949. A constitution which aims to secure to all citizens social, economic and political justice, liberty of thought and expression, equality of status and of opportunity would certainly result in heightened expectations of a hitherto exploited and suppressed population. The principle of universal adult suffrage adopted by the framers of the India constitution guarantees every citizen of India the right to vote. (Who has attained the age of eighteen years).

A change in the legitimacy of the government perceives a change in the legitimacy of the government organs, must create an awareness of this change. Their role in the changed context requires adaptive changes; expects them to be responsive to the aspiration of the people and accountable for their actions to the elected representatives of the people. In the new set-up, they are part of the development

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1. Police Changing India by Ajay K. Mehta. Usha Publication, New Delhi. Page 5 to 7.

administration and as such, they are expected to maintain peace and thereby contribute their share to national reconstruction.[1]

The question arises: what should the police in this changing society be like? Certainly not oppressive and passive towards social change. They are no more Agents of colonial masters. As an organ of democratic government, which is committed to welfare of the people, they are expected to show a ‘service to the people’ attitude. They must realize that now their role is that of a public servant.

When in 1979 the policemen in Jalandhar went out of barracks to protest against slapping of one of their colleagues no one realized that this would flare up into a unprecedented countrywide police agitation. Equally unexpected was the gradual shift in the thrust of the agitation from misbehavior of politicians to more substantive issues like law wages and other organizational and administrative anomalies. This was the reason why the Centre as well as the affected States could not easily quell the agitation on the protext of Indiscipline. The agitation resulted not only in most of economic demands of the policemen having been granted, but also in appointment of the first National Police Commission. The present organizational structure, recruitment policy and training programmes for various ranks need reconsideration and redesigning. Even a cursory glance at the levels of recruitment, the powers and functions of various ranks and the types of duties that the police have to perform would make visible the inconsistencies and anomalies prevailing in police system in all over India.

To appreciate the basic problems of the police and the necessity for introducing adaptive changes in the role of the police organization, it is essential to indentify the organic relationship between the state and society on the one hand, and the police on the other. The state represents a societal consensus for legitimate4 use of sovereign authority through institutionalized agencies collectively called Government. The police, being one of the governmental agencies, perform tasks necessary for maintaining the legitimacy of the state authority entrusted to it by the society. The state, police and society are thus, organically interlinked systems. The

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1. Police changing India, By Ajay K. Mehta. Page 9-10.

legitimacy of the police, therefore, in any society is dependent upon the state. The Police draw their authority from state power. Their role and functions would naturally be determined by the nature of the state authority. In a democratic set-up, the police have to perform the crucial task of the reconciliation of authority with liberty. In a welfare state, the police assume functions of a social service organization in addition to their basic duties of prevention and detection of crime and maintenance of law and order.[1]

1.3 GUJARAT STATE POLICE ORGANIZATION:

In Gujarat State mainly The Bombay Police Act 1951 and The Bombay Village Police Act, 1867 and The Bombay State Reserve Police Force Act 1951 and their Rules are applicable. For smooth police administration there are three volumes of GUJARAT POLICE MANUAL framed in 1975. This is my attempt to study the present Police Organizations, the law applicable to them, their duties and their problems to fulfill their duties in better interest of society.

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1. Police in Changing India, By Ajay K. Mehta. P.12.

CHAPTER-II

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(2) ORGANISATION OF POLICE FORCE.

2.1: POLICE ORGANIZATIONS:

A police organization is a public employer of police officers. Villages, townships, municipalities, and states all are in need of police officers. Three major characteristics identify a police organization: a generalized public safety responsibility, a territorial jurisdiction, and funding by an employing governmental agency.

The generalized police responsibility is to protect life and property, to maintain the public peace, and to provide related services. The employees of a police organization are given a broad grant of authority to enable them to fulfill this responsibility, and there is an inherent accountability for the use of such power.

The territorial jurisdiction of a police organization is usually the same as that of the employing by government. Funds to operate the police organization are provided from the general funds of the State Government. The funding system is usually an annual financial allocation, but the State Government is also expected to provide emergency financial aid whenever necessary.[1]

The Police Act of 1861 made the establishment of organized police forces the responsibility of the various provincial governments then in existence in India. The constitution of Independent India also placed “Public Order” and “Police, including railway and village police”, in the State List. The Central Government has exercised an advisory role in such matters and have been rendering assistance to the States in various ways.

The State Governments determine all questions relating to the strength and equipment of their police forces and the expenditure to be incurred thereon from year to year and also exercise various administrative and disciplinary powers. They also frame detailed rules for the administration and operation of their police forces which are contained in the Police Manuals/Regulations of the different States.

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1. Police Organization and Management by PAUL B. WESTON, p.1-2.

The head of the police force in every state is the Inspector General of Police who is responsible to the State Government for the administration of the police force throughout the State and also for giving advise on police matters. This includes internal economy, equipment, training and discipline of the force and its efficient organization as a means of preventing and checking crime and preserving law and order and the efficient discharge of their duties by officers of all ranks. The Inspector General is expected to keep in constant touch and communication with the regional and district police officers and to keep the State Government informed of the state of crime and political and communal movements throughout the State.

The Inspector General is assisted by a number of Range Deputy Inspectors General on a regional basis. The number of ranges in a State depends on its size. Generally four districts are grouped together to form a 'Range' for the convenience of the police administration. The Range Deputy Inspector General of Police generally supervises the work of the Superintendents of Police and, without interfering in any way with the authority of the Superintendent, has to see that the standard of work is maintained at a high level. He visits and inspects the districts regularly to ensure that work is being carried on efficiently and is expected to advise, guide and assist the Superintendent of Police whenever the latter is faced with any difficult situation. He usually has under his control a part of the State armed reserve and can move it to any district with-in his range.

The administration of the police throughout the local jurisdiction of the Magistrate of a district is, under the general control and direction of such Magistrate, vested in a District Superintendent and such Assistant District Superintendents as the State Government consider necessary. With the separation of the Judiciary from the Executive, the District Magistrate's functions, under the Criminal Procedure Code (Cr.P.C.) as far as the police are concerned, are the promulgation and enforcement of regulatory orders and executive processes and the supervision of the work of the executive magistrates, who are entrusted with proceedings under the preventive sections of the Cr.P.C. and in certain States the trials of cases under local and special laws. The trials of cases under the Indian Penal Code (I.P.C.) are conducted by judicial magistrates. In bigger districts, there may be two or more Superintendent of Police; the senior most of them is then called the Senior Superintendent of Police.

Every district is divided into sub-divisions in-charge of Assistant or Deputy Superintendents of Police. In Gujarat states sub-divisions are further divied into police circles in charge of Inspectors. A district may have three to four policed sub-divisions and six to eight police circles.

Each district is divided into a number of police stations, depending on its size and population. There are some districts with more than 20 police stations, whereas there are others with only ten to fifteen. In Commissioner Area there are more than 20 police stations in Ahmedabad, Surat etc. The average-sized rural police station has a population of about 1,00,000 and an area of about 200 sq. kms. The Police station is the basic unit of the police administration in a district. Under the Cr.P.C. all crime has top be recorded at the police station and all preventive, detective and law and order work of the police is carried on from there. Each police station is divided into a number of beats, which are assigned to Head Constables for patrolling, surveillance, service of processes, collection of intelligence etc. The officer-in-charge of a police station is usually a Sub-Inspector or Inspector. In some Big Police stations Senior Inspectors are placed in charge of the bigger police stations. The officer in charge has varying numbers of Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables placed under him depending on the size of the police station.[1]

The constable, being the lowest rung of the administrative hierarchy, constitutes the backbone of Police Organization. But the constables are treated as worse than unskilled workers. The main consideration for recruitment of police constable is physical fitness (educational qualification is matriculate). What efficiency can we expect except in wielding lathis? Many of the older generation of constables can barely sign their names. Since the intake is so poor, little improvement is possible at the stage of training. Now with increased salary, some improvement in the intake is expected. Poor salary, bad service conditions and little chance s of promotion would not have attracted good human material, nor would these have provided an incentive to work to those who join b because of paucity of employment opportunities.

1.Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, P.1 to 8

A.S.I. is the nucleus of the police department. He is the first officer to come into contact with crime. He is the officer whom Cr.P.C. recognizes as an officer who has to take the initiative when a case is reported. The status, powers and qualifications of a SI are not proportionate. Looking at his duties, powers and importance in police work, his status in the hierarchy is incommensurable. He is a non-gazetted officer. In the state the minimum qualification for the post is still intermediate or its equivalent. It is true that graduates and even post-graduates complete for this rank but they do not opt for it willingly, often they are compelled by deteriorating employment situation. Even during the service there is little incentive to work. Their responsibilities are enormous. But the incentives they get besides low salary, poor service conditions and limited chances of promotion, are ill-treatment from the senior officers, suspension and censures rather than rewards for shouldering the responsibilities and criticism and hatred from the public.

The ill-treatment of junior officers is because of a tremendous gap between the senior gazette officers and the junior or non-gazetted officers. The main reason for this gap is the pyramidal structure of the police departments in which some people start not from the bottom of the pyramid but from the middle, rather, from near the top. The people who start from the bottom do not even reach the middle of the pyramid. Unfortunately, in the Police department, there is a separate cadre of leaders—leadership does not evolve, it is imposed. A person who starts from near the top of the hierarchy might not succeed as a leader, since he would not consider himself a part of the force and would not be aware of the problems his subordinates face in job-performance. Therefore, he might not be able to appreciate their difficulties. This would also affect their reactions to the successes and failures of their subordinates. Sometimes he would start with a superior feeling and would not listen to the advice given by experienced subordinate officers. Unless the leader can provide a fair treatment to his subordinates, relies upon co-operation and not on authority and generates a feeling of ‘we’ rather than ‘I’, he will not be able to give his men a purpose, will not able to guide them properly and inspire enthusiasm among them.

Man-management is an important quality of leadership. There are two cardinal principles of leadership; (i) example is better than precept, and (ii) personal conduct should be such that it can be emulated and not taken advantage of. It should

be above reproach. The welfare and interests of subordinates should be looked after before thinking of his own comforts. In army, they say ‘a good officer is a servant of his men first and master second’. This holds well in the police too. The quality of leadership influences the morale of the forced. A good leader inculcates self-discipline and corporate discipline and develops spirit-de-corps in his unit.

The superior officers, instead of being impartial, are mostly governed by casteism, favoritism and nepotism and other predilections and are also influenced by political leaders on whom they tend to lean heavily for their early promotion and choice posting. This has led to inefficiency among all the subordinate ranks of the police due to the prevailing discontent among them. The superior officers have no time even to make out plans and propose them to the Government for the constructive development of the force in proportion to the population explosion and to meet the challenges of multiple problems that have been and are cropping up due to the changed social and political contexts and outlook of the masses.

A superior officer must also have the qualities of a good supervisor. A good and strict supervision is essential for the efficient functioning of an organization. Only a good supervisor can be aware of the deficiencies of the field officers and their genuine problems in job-performance. He is a trainer and developer of human resources. In performing this function, he is instilling confidence and improving not only the job but also an understanding of the goals of the police service, of its methods for accomplishing these goals, of its organizational philosophy, and of the various career paths available within it. It must be recognized how effectively the police supervisor trains his subordinates, as well as how the objectives of the training programme, have a tremendous influence on the capacity of the department to meet its goals. He must be aware of the practical problems facing the department and provide an example by solving such problems. He should go the fields regularly and supervise the functioning of the field officers, listen to complaints against them and instruct them as to how they should perform their duties.

Very few of these qualities are to be found in the supervisory officers in the Gujarat Police. Very rarely (and very few of them) do they try to know and understand their subordinates. Nor do they carry our supervisions properly. Most of them avoid going to the field and thus directions given by them are, most of the time,

theoretical and hypothetical, having little practical bias. Cases are supervised with much delay and no proper directions are given by them to the investigating officers. Advice tendered by experienced subordinates is either not heeded to or contemptuously turned down. Some of the senior officers, it has been pointed out, regard inspection as a means to punish the junior officers and look upon punishment as an effective instrument of maintaining discipline. They very seldom realize that too many punishments affect the morale of the officers.

An imposed leadership renders supervision in effective. The IPS officers generally start with a superior air because they start from near the top of the hierarchy and from the very beginning they have a huge body of subordinates to control. They get charge of a district in one to two years, but do not get sufficient training and experience for the running of a district in such a short period of time. This is an anomaly that has developed after independence.[1]

2.2 ONE POLICE FORCE FOR THE WHOLE STATE OF GUJARAT:[2]

There is one police force for the whole of the State of Gujarat. The Police force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by General or Special order determine;

The recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special orders.

There is a control of District Magistrate over Police force in district A pyramidal structure is created for providing jobs for various strata of society, gazated posts 'for the scions of the falling feudal chiefs and the rapidly growing educated higher middle class', non-gazated officers' posts (SI and Inspector) for the 'lower

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1. Police in Changing India by Ajay K. Mehta. P.111 to 114.

2. The Bombay Police Act, 1951.

middle class' and the post of constables for 'the surplus landless labour of the country'. Since the all India cadre of the SP was initially reserved for Europeans only, the post of DySP was created for the upper and upper-middle class Indians. Later, some vacancies in the SP cadre were kept for Indians as well, but the parallel system of recruitment continued. The only difference between two of them is that one belongs to an all-India cadre and the other to the State cadre. One is selected through UPSC and the other through the examination conducted by State Public Commission i.e. G.P.S.C. Both of them start from the same level, but the former is designated ASP and the latter DySP. The former gets charge of a district in one year and the latter in eight to ten years. The former ascends the hierarchical ladder more seiftly than the latter.

There are two to three circles in a district and each of them is known as sub-division. There is a head of circle that is known as S.D.P.O. Sub-divisional Police Officer. A Sub-division consists roughly 6 to 8 police stations. The Police Inspector or Police Sub-Inspector remains in charge of Police Station. In Rural Police-stations most of them are running by Sub-inspectors. There is a post of Circle Police Inspector between three to four police stations which are conducted by P.S.I. C.P.I. is supervisory officer and he is under control of S.D.P.O. All S.D.P.O.'s are controlled by District Supdt. Of Police. The constable, being the lowest rung of the administrative hierarchy, constitutes the backbone of Police Organization. After promotion the constable gets the cadre of Head Constable (Jamadar) or 1st Grade H.C. or A.S.I. There are two grades of Head Constables. One is First Grade and the other is Second Grade. The Senior First Grade Head Constable promotes as A.S.I. and he is the senior most officers after P.S.I. in the Police station.

Before independence there was a provision of appointment of Village Police and there was a special act for the appointment, duties and control of Village Police the act is known as 'The Bombay Village Police Act, 1867.'

2.3 STRUCTURE OF POLICE FORCE FOR STATE OF GUJARAT: [1]

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1. The Bombay Police Manual Part-I Chapter-I published by Gujarat State in 1975.

The structure of police force is described in Police Manual Part-I Chapter-I is as under:-

1. Constitution of the Gujarat State Police Force.—The Police Force of the State of Gujarat is constituted under the Bombay Police Act, XXII of 1951, as adapted by the Gujarat Adaptation of Laws (State and concurrent subjects) Order, 1960, made under Section 88 of the Bombay Reorganization Act, 1960 by the Government of Gujarat on 1st May 1960 and published in Gujarat Government Gazette, Extra Ordinary, dated 1st May 1960, and amended from time to time.

According to **Section-3 of Bombay Police Act, 1951** there shall be one Police Force for the whole of the State of Gujarat.

According to **Section-4 of Bombay Police Act, 1951** The superintendence of the Police Force throughout the State of Gujarat vests in and exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

Constitution of Police Force:- According to **Section-5 of the Bombay Police Act, 1951** the constitution of Gujarat Police force is as under :-

Subject to the provisions of this Act-

The Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

The recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order:

Provided that-

the rules and orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Part I or II of Schedule I and deemed to be the members of the Police Force under section 3, shall continue in force until altered or cancelled under clause (b); but in the case members of the Police Force; constituted under any of the Acts mentioned in Part II of that Schedule

such alteration or cancellation shall be subject to the proviso to sub-section (7) of section 115 of the State Reorganization Act, 1956 of 1956.

Nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

According to Section 5A of the Bombay Police Act, 1951 There is a provision to appoint of a DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE AS UNDER :-

For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General and Inspector General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and authority as may be provided by or under this Act or orders made by the State Government.

The Director General and Inspector General of Police shall be selected from a panel of officers consisting of the officers already working in the rank of the Director General of Police or of the officers in the rank of Additional Director General of Police who have been found suitable for promotion after screening by a Committee under the provisions of the All India Services Act, 1951 (61 of 1951);

Provided that the panel of officers from the rank of Additional Director General of Police shall not exceed double the number of vacant posts to be filled in the rank of Director General and Inspector General of Police in the State.

The Director General and Inspector General of Police so selected and appointed shall ordinarily have a minimum tenure of two years irrespective of his date of superannuation, subject to the relevant provisions under the All India Services Act, 1951 (61 of 1951), and the rules made there under.

The Director General and Inspector General of Police may be removed from his post before the expiry of his tenure by the State Government by an order in writing specifying the reasons thereof, consequent upon the—

conviction by a Court of Law in a criminal offence or where charges have been framed by a Court in a case involving corruption or moral turpitude; or

punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post; or

suspension from service; or

incapability to discharge his functions as the Director General and Inspector General of Police due to physical or mental illness; or

Misuse or abuse of powers vested in him or for gross inefficiency and negligence or failure to provide leadership to the police force.

According to **Section 5B of Bombay Police Act, 1951** the TENURE OF OFFICE OF KEY POLICE FUNCTIONARIES:- (1) The Police officer on operational duties in the field viz. Inspector General of Police in a range, Deputy Inspector General of Police, Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Sub-Divisional Police Officer and a police officer posted as an Officer-in-charge of the Police Station shall ordinarily have a minimum tenure of two years on such post.

(2) Any Police officer referred to in sub-section (1) may be removed or, as the case may be, transferred from his post before the expiry of the tenure of two years consequent upon the—

(a) Conviction by a court of law, or

(b) Punishment of dismissal, removal, compulsory retirement from service or of reduction to a lower rank; or

(c) Charges having been framed by a court of law in a criminal offence, or

(d) Suspension from service; or

(e) Incapability to discharge his functions and duties due to physical or mental illness; or

(f) Misuse or abuse of powers vested in him; or

(g) Gross inefficiency and negligence where a prima facie case of a serious nature has been established after a preliminary enquiry; or

(h) Superannuation; or

(i) Promotion to a higher post; or

(j) On his own request…)

According to **Section 6 of Bombay Police Act, 1951** the appointment of INSPECTOR-GENERAL, ADDITIONAL AND DEPUTY INSPECTOR-GENERAL-(1) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act, or orders made by the State Government.

(2) (a) The State Government may appoint an Additional Inspector General, and one or more Deputy Inspector General of Police.

(b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector General may be exercised, performed or discharged, as the case may be, by an Additional Inspector General or a Deputy Inspector General.

(c) The State Government may also by a general or special order direct that the Additional Inspector General or Deputy Inspector General shall assist and aid the Inspector General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

2. State, Commissionerate, Ranges and Districts.—The control and administration of the Police Force in the entire State is vested in the Inspector General of Police, (Director General of Police) who is assisted by one or more Assistant Inspectors-General of Police (Additional Director General of Police). For the purpose of Police Administration, the State is geographically divided into the Commissionerate of Ahmedabad, Rajkot, Baroda and Surat as Police Commissioner area and Seven Ranges, consisting of the Districts as below:- There is a Superintendent of Police in every district and the police force of the said district is under his control. Moreover there are 7 Ranges in the State and 4 Police Commissioners' areas as under:-

According to **Section-7 of Bombay Police Act, 1951**, the appointment of COMMISSIONER OF POLICE IS AS UNDER:-

The State Government may appoint a Police Officer to be the Commissioner of Police for any area specified in a notification issued by the State Government in this behalf and published in the Official Gazette.

The State Government may also appoint an Additional Commissioners of Police for the areas specified in clause (a).

The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order.

Provided that the State Government may direct that any of the powers, functions and duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector General:

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or, a District Superintendent may have been appointed.

Police Commissioners' area: - (1) Ahmedabad, (2) Baroda (3) Surat (4) Rajkot.

Range areas:-

Ahmedabad Range: - Covers Ahmedabad Rural District, Kheda (Nadiad) District and Anand District.

Gandhinagar Range: - Covers Sabarkantha District, Mehsana District and Gandhinagar District.

Baroda Range:- Covers Bharuch District, Narmada District, Dahod District, Panchmahal District, Baroda Rural District.

Rajkot Range:- Covers Rajkot Rural District, Jamnagar District, Surendranagar District.

Junagadh Range:- Covers Junagadh District, Amreli District, Bhavnagar District, Porbandar District.

Surat Range :- Covers Surat Rural District, Valsad District, Navsari District, Ahva-dang District, Tapi District.

Border Range:- Covers Banaskantha District, Patan District, Kutch-1 Bhuj District and Kutch-2 Gandhidham district.

There is a special provision Inserted by the Bombay Police (Gujarat Amendment) Act, 2007 (Guj.23 of 2007) dated 30th July 2007 in the Bombay Police Act, 1951 which reads as under:--

Section [7A. SEPERATION OF INVESTIGATING WING AND LAW AND ORDER WING:--

(1) The State Government may, having regard to the population in an area or the circumstances prevailing in such area, by an order, separate the investigating police from the law and order police wing in such area to ensure the speedier investigation, better expertise and improved rapport with the people.

(2) Such investigating police wing shall investigate the serious crimes such as offence punishable under Chapter XII, XVI, XVII of the Indian Penal Code, Offences of Terrorist Activities, Cyber Offences, Inter as of 1860 (45 of 1860). State Offences and such other offences as the State Government may, by an order, direct.

(3) The Director General and Inspector General of Police or an officer authorized by him shall co-ordinate between the Law and Order Police wing and the Investigating Police wing.

According to **Section-8 of Bombay Police Act, 1951** appointment of **District Additional, Assistant and Deputy Superintendents**.—

(1) The State Government may appoint for each District or for a part of a District or for one or more districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(2) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(3) The District Superintendent may, with the previous permission of the State Government delegate any of the powers and functions [conferred on him by or under this Act, except the powers to make, alter or rescind rules or orders under section 33, to an Assistant or Deputy Superintendent.]

According to **Section 8A of Bombay Police Act 1951** appointment of **Superintendents of Wireless System and Motor Transport System or for any specific duty.—**The State Government may appoint for the [whole of the [State of Gujarat] or for any part thereof one or more Superintendent of Police as it may think fit—

For the Police Wireless System;

For the Police Motor Transport System; or

For the performance of such specific duties as the State Government may from time to time determine in this behalf and the Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to him.

Provided that, such powers and functions shall be exercised or performed subject to the control of the Inspector General].

According to **Section 9 of Bombay Police Act 1951** appointment of Principals **of Police Training Schools.—**The State Government may appoint any Police Officer not below the rank of District Superintendent to be the [Principal of [any] Police Training College, or School] established by the State Government], and may assign to him such powers, functions and duties as it may think fit.

According to **Section 10 of Bombay Police Act 1951** State Government shall appoint **Deputies and Assistants to Commissioner**.—(1) The State Government may appoint one or more Deputy Commissioners and one or more Assistant

Commissioners of Police in any area in which a Commissioner has been appointed under clause (a) of section 7.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf.

Provided that the powers to be exercised by the commissioners [of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

According to **Section 11 of Bombay Police Act, 1951** the State Government shall appoint **Superintendents within Jurisdiction of Commissioners**.**—**(1) The State Government may appoint [for any area for which a Commissioner of Police has been appointed under section 7] such number of Superintendents of Police as it may think expedient.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government.

Provided that the powers to be exercised by the Commissioner [of making, altering or rescinding rules under section 33] shall not be exercisable by the Superintendent.

According to **Section 12 of Bombay Police Act, 1951** the **Constitution of Divisions and sections** is as under :--

(1) Subject to the control of the State Government, the Commissioner [for any area] shall, if he thinks fit-

Constitute [within the area under his charge] Police divisions.
Sub-divide the same into sections, and
Define the limits and extent of such divisions and sections.

(2) **Officers in charge of divisions and sections:--**Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

According to **Section 12A of Bombay Police Act 1951** the appointment of **INSPECTORS:-** Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector-General for other areas shall appoint Inspectors.]

According to **Section 14 of Bombay Police Act 1951** the **Certificate of appointment** shall be provided as under :--

(1) Every Police Officer [of the grade of Inspector or below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such force.

According to Section 20 of the Bombay Police Act 1951 the Power of Inspector-General and Commissioner to investigate and regulate matter of Police accounts are as follows.—The Inspector-General, throughout the [State] and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of accounts connected with the Police in the [State] or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

According to **Section 22A of Bombay Police Act 1951** the provision of **Appointment of Railway Police** is as under :--

(1) The State Government may, by notification in the Official Gazette create one or more special police district embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police and such other Police officers for each such special district as it may think fit.

(2) Subject to the control of the Inspector-General, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any member of the said Police Force whom the State Government shall generally or specially empower to act under this sub-section may, subject to any orders which that Government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer in charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer in charge of the police station discharging the functions of such officer within the limits of his station.

(4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

2.4 REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE:

According to **Section 23 of Bombay Police Act 1951** the **Framing of rules for administration of the Police** are as under :--Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force-

regulating the inspection of the Police Force by his subordinates;
determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;
prescribing the places of residence to members of the Police Force;
for institution, management and regulation of any Police Fund for any purpose connected with police administration;

regulating, subject to the provisions of section 17, the distribution, movements and location of the Police;

assigning duties to Police officers of all ranks and grades, and prescribing-

the manner in which, and

the conditions subject to which, they shall exercise and perform their respective powers and duties;

regulating the collection and communication by the Police of intelligence and information;

generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

According to **Section 24 of Bombay Police Act 1951** the **Inspector-General or Commissioner may call for returns.—**

(1) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subject connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(2) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (1).

2.5 Organizational set up of the Commissionerate Police Force—

(1) The Commissionerate area is divided into zones and for each zone there is a Deputy Commissioner of Police of the rank of Superintendent of Police or above ranks.

(2) Zones are divided into two or more Divisions each in charge of a Superintendent of the rank of Assistant or Deputy Superintendent of Police or above ranks.

(3) Each Division consists of two or more Police Stations. An Inspector of Police is ordinarily in charge of a Police Station. Ordinarily each Police Station has a certain number of Sub-Inspectors, Unarmed Head Constables and Constables under it for the purpose of carrying out executive as well as ministerial duties.

(4) In addition to Zonal Deputy Commissioners of Police, there are functional Deputy Commissioners of Police for Head quarters, Traffic, Special Branches etc. assisted by Superintendents of Police, Inspectors of Police, Sub-Inspectors of Police, Head Constables and Constables.

2.6 Organizational set up of the District Police Force:--

(1) For each district, there is a Superintendent of Police. He may, wherever necessary, be assisted by one or more Additional Superintendents of Police. The districts are divided into two or more Sub-divisions each in charge of a Sub-Divisional Police Officer of the rank of Assistant or Deputy Superintendent of Police. Every important Sub-Division has, in addition, one or more Circle Police Inspectors attached to it mainly for the purpose of coordination of crime. A District for Police purposes may be a revenue District or a part of it.

(2) Each Sub-Division consists of one or more Police Stations. A Sub-Inspector of Police is ordinarily in charge of a Police Station except in certain cases, where an Inspector is placed in charge. Important Police Stations have more than one Sub-Inspector attached to them. Ordinarily each Police Station has a certain number of armed and unarmed Head Constables and Constables under it for the purpose of carrying out both executive and ministerial duties.

(3) With a view to placing the Police machinery within easy reach of the public, certain rural Police Stations have one or more Outposts attached to them, each Outpost having ordinarily a Head Constable and the necessary number of Constables stationed at it. The area under District Headquarters, Towns and big rural Police Stations is generally divided into a number of sections popularly known as Chowkies or Gates each with a Head Constable and a certain number of Constables stationed at it in order to facilitate the performance of patrolling and other police duties. These Outposts and chowkies are created by local authority and the officers in charge of these cannot on their own, exercise the power of an officer in charge of a Police

Station as defined by the Criminal Procedure Code. In big cities the chowkies are ordinarily manned by Sub-Inspectors.

(4) Police Stations are notified by Government as defined in Section 2(s) of Cr PC. The Police Outposts and chowkies are opened with the previous permission of the Inspector General of Police, who is competent to sanction them provided there is no extra expenditure to Government on the creation of the additional strength.

(5) The constabulary in each district is divided into two branches-the armed and the unarmed. The main functions of the armed police are, escort, guard and reserve duties whereas the men of the unarmed police after training as policemen, will be required to devote their energise and intelligence to the prevention and detection of crime. As the Armed Branch is also used as reserve to deal with emergency they are usually put through a rigorous training in the use of lathis, tear smoke and fire-arms. It is not intended that the two branches shall be rigidly divided. To achieve a progressive amalgamation of both the branches, as an experimental measure, certain duties like—

(i) Orderlies including officer's orderlies, court orderlies, Bank orderlies, wireless orderlies, telephone orderlies

(ii) Officers in charge of bells of Arms, Tents, and Head Quarters and office pickets.

(iii) Supervisors in the District Motor Transport Sections, ---

Are placed in the combined list of duties to be peformed both by armed and unarmed police.

2.7 Police Headquarters :--

(1) In addition to the men at the Police Stations and Outposts, there is at the Head quarters of each district unit a force under the charge of an officer not below the rank of an Inspector or a Deputy Superintendent of Police. This force consists only of armed reserve but also of men for other incidental duties like, escorting of prisoners, treasure, local and other guards. This force is mainly utilized for (a) local duties (b) duties in the district (c) as emergency reserve and (d) as leave and training reserve.

(2) The training of recruit constables is undertaken at the Police Training School Baroda. Till the term at the Police Training School commences, the recruit's are given training at their respective Head Quarters. In addition, those who return after completing the training, receive practical training at the respective Head Quarters. Necessary staff for such training is provided in the Head quarters.

(3) In addition, the Head-quarters has a Bell of Arms, and an armourer's shop run by one or more armed Head Constables and Constables.

(4) Clothing and equipment articles are issued from Head Quarters store, which is usually under an unarmed officer. The administrative officer of the Head-Quarters has also the required number of clerks and unarmed Head Constables and Constables as writers, including an armed Head Constable working as Company Orderly to keep records of allotment of daily duties to different members of the Head Quarters force.

(5) The Mess and Canteen is run at Head Quarters for the benefit of the men, and is under the control of a Manager

(6) In order to provide recreation to men a Recreation Centre with indoor games, library, etc. is provided at the Head Quarters.

(7) For the welfare of the men and their families, there is a Welfare Centre also at the Police Head Quarters where several welfare activities like sewing and embroidery classes, children's park, BAL Mandir, flour mill, health centre, family planning centre etc., are carried on.

(8) A hospital or a dispensary is also maintained for treatment of the sick policemen and their families in some places.

(9) The Head Quarters is the reserve centre of the District and whenever any reinforcements are needed, they are supplied from the Head Quarters. To this end, all the men at the Head Quarters are given both outdoor and indoor training every day, whenever they are not on duty.

2.8 Emergency Company :--

(1) At each Head Quarters a body of men set apart as reserve will be known as "The Emergency Company". The men of the company will be armed with 303

magazine rifles. The object aimed at is to have in each district a picked body of well armed and reliable shots available primarily for special work of a hazardous nature. This company should be tough hardened and physically strong striking force capable of withstanding hardships and shall be composed of the best shots; if possible all the members should be Marksmen.

(2) The Superintendent of Police concerned should personally select the members of the company for their tough physique smart appearance, cleanliness, intelligence, steadiness courage, reliability and see that normally they are not above 35 years of age.

(3) The men of the Emergency Company will undergo exhaustive training at the Head-quarters in musketry, bayonet fighting assault course anti-dacoit operation fields training and field craft including correct methods of house fighting, fighting in streets and crowded places I big cities in addition to other items such as physical training and the use of lathi and baton. They will also undergo special courses in field craft judo and such other items which may be specified from time to time. Superintendents of Police should take personal interest in the training of these men. In order to instill confidence in the men the senior officers and all other officers who are to deal with mobs should not only go through this training themselves but should be able to lead their men.

(4) The Company should be able to assemble within a few hours' notice and should be able to move off immediately. The Company should be trained to work in conjunction with Tear Gas Squads wherever they exist and one of the exercises which the Inspector General would like to see when he visits Districts is the ability of the Emergency Company to break up mobs by its own action and in collaboration with Tear Smoke Squads.

(5) Men, while in this Company, are not to be transferred from Head Quarters, but will perform all the ordinary duties performed by the rest of the Head quarters armed police when they are not under a course of training.

(6) They may be sent out of Head Quarters on escort duty, provided by so doing their number present at the Head Quarters is not reduced to less than half the Company and that during periods of emergency no member is so sent out. Ordinarily

members of the Company should not be given escort duty which will keep them away from Head Quarters more than a week at a time.

(7) In order to keep the Company as its maximum efficiency, the Superintendent of Police should review them regularly and replace persons who fail to reach the prescribed standards. Those who are not up to the mark in their efficiency or fail to reach the prescribed standards. Those who are not up to the mark in their efficiency or fail in any manner to come up to the standard set by the Superintendant for the Emergency Reserve should be removed from it and replaced by others who are more suitable. It is by constant weeding out that this force can be kept at a high pitch of efficiency.

(8) The men of the Emergency Company should be treated in the same manner as the remainder of the force, except in the matter of non-liability to transfer from Head quarters and of Musketry practices which should be arranged as per rule.

2.9 Emergency Reserve Force of the Police for Wireless Grid.(State Level).

(1) During emergency, it may be necessary to have more wireless operators to keep the wireless station open for 24 hours a day. The emergency reserve force of police wireless operators is therefore necessary. Suitable Police Constables and Head Constables drawn from the existing strength of the districts are therefore trained in wireless telegraphy and maintained as reserve to be called on duty during such emergency.

(2) The men drawn as above for emergency will have no special right to be taken up in the regular wireless staff where recruitment is done as laid down in the recruitment rules for the same. They can however apply like others.

2.10 Emergency Reserve Force of the Police for Motor Transport.(State Level)—

Emergency drivers will be recruited from constables who have driving licenses and are willing to work in the Motor Transport Section. These persons will be trained in driving police motor vehicles and they will be brought on the list of emergency drivers from the date they get heavy motor driving license. In case, there

are no sufficient men with driving licenses coming forward, recruitment may be done by calling for suitable candidates from the Employment Exchange. Those who have already got heavy duty vehicle licensee will rank higher in seniority than those having motor car or motor cab driving license, which in turn will rank higher than those having no license. The senior-most from the emergency drivers will be allotted as full drivers in case there is a vacancy in the sanctioned strength of drivers. The men so selected as emergency drivers will be kept on the waiting list at the Headquarters and utilized during emergency or when regular drivers go on leave or when a vacancy occurs, according to their seniority.

2.11 Police Band.—

(1) With a view to providing appropriate music for police parades on ceremonial occasions and also to provide buglers to give orders to the men by means of buglecalls, a Police Band is maintained at the Police Head-quarters. Its strength ordinarily consists of one armed Head Constable (Band Master) and fourteen armed Constables (Band Men) the numbers being increased to sixteen, if tenor drums are used.

(2) In Ahmedabad City, the Band Master is of the rank of Police Sub-Inspector. The strength of the band is three Head Constables and fifteen Constables.

(3) Detailed rules regarding the maintenance of Police Bands are framed.

2.12 Crime Branch in the Commissionerate.—

The Crime Branch in the Commissionerate is normally under the charge of a Deputy Commissioner of Police who is assisted by one or more Superintendents of Police. It has two sections, viz. (1) Detection of Crime Branch and (2) Prevention of Crime Branch. Each of these branches is under a Deputy Supdt. Of Police who is assisted by the required number of Inspectors and Sub-Inspectors, Head Constables and Constables. The Detection of Crime Branch has sub-branches like (i) General Branch, (ii) Modus Operandi Bureau, (iii) Vigilance Branch, (iv) Anti-prohibition and Gambling Squad, (v) Photographic Bureau (vi) Anti-black-marketing (in cinema tickets) squad, (vii) Anti-violence squad, etc. The vigilance branch does the work of 'Juvenile Aid Police Unit' under a woman Sub-Inspector assisted by required number

of women Head Constables and Constables. Prevention of Crime Branch mainly attends to externment cases, detention cases and other matters regarding prevention of crime.

2.13 Commissionerate Criminal Investigation Department (Special Branch).—

(1) In the Commissionerate, the Criminal Investigation Department (Special Branch) consists of Special Branches (I) and (II) and also Special Emergency Branch each under a Superintendent of Police. A Deputy Commissioner of Police is in charge of all these branches.

(2) It is the primary duty of the Special Branch to collect intelligence of various communal, political and labour activities and to see that the situation arising out of the information is worked out with the help of Sectional Police whenever necessary. Any sudden or unforeseen communal, political developments or labour trouble are to be reported by the Sectional Police to the Special Branch for pursuing the matter further. The purpose is to take suitable measures to maintain law and order and to prevent disorder.

(3) The Special Branch is working more or less on the same basis as the State Criminal Investigation Department (Intelligence). Its main work is to collect intelligence which may have a bearing on law and order situation; it looks after all affairs concerning communal matters, activities of all political parties, students, labored. It also maintains records of all such activities. The security of V.I.Ps., vital installations and of the country in general is also the duty of this branch. In addition, the branch deals with movements and activities of foreigners and other subversive elements.

2.14 Local Crime Branch and Local Intelligence Branch (In Districts).—

(1) Every District including Western Railway has a Local Crime Branch under the direct control of the Superintendent of Police. The staff ordinarily consists of an Inspector and/or a Sub-Inspector and the necessary number of Unarmed Head Constables and Constables. Its general duties are:--

(a) To take up investigations of important cases requiring sustained attention and effort,

(b) To guide and assist the Police Stations in the investigation of complicated cases,

(c) To investigate cases wherein gangs are involved or the activities of the Criminal extend over more than one Police-Station, and

(d) To collect, collate and examine information regarding Crimes and Criminals in the district, and in the neighboring Districts with a view to locate any special upsurge of Crime in any area.

Note:--The Detective Branch of the Railways will henceforth be known as Local Crime Branch.

(2) Similarly there is a Local Intelligence Branch consisting generally of an Inspector and/or a Sub-Inspector with the necessary number of subordinate police. They collect intelligence and make enquiries about communal, political and other similar matters in the districts.

2.15 Women Police. ---

There is a Women's branch of the Police consisting of necessary staff in the Commissionerate and in some districts. Its main functions are to help in the recovery of abducted women, to attend to the convenience and complaints of female passengers at important railway stations, to apprehend, search and guard female offenders, to help in the implementation of the Juvenile Justice Act and Suppression of Immoral Traffic in Women and Girls Act, to keep vigilance at places of worship or entertainments. They can be used on other duties for which they have an aptitude or are capable of performing efficiently. They can also be of help in the investigation of cases where women are involved.

2.16 Prosecuting Staff.—

(1) For prosecuting cases in Magistrates' courts, there is, both in the commissionerate and the districts, a certain number of Assistant Public Prosecutors. They attend to all the Courts and conduct cases. They also study the papers of the

cases sent to them and point out the investigating officer, any evidence which could have been collected but has been omitted. Where he finds that no evidence has been collected on any ingredient constituting an offence, he may draw the attention of the Commissioner of Police/Superintendent of Police or the Deputy Commissioner of Police/Sub-Divisional Police Officer to this defect.

(2) As section of the Criminal Procedure Code is limited in its operation to enquiries and trials held by Magistrates and as it does not apply to security proceedings, Head Constables may be appointed as Prosecuting Jamadars in order to deal with Chapter cases under section 107 Cr PC for which a Prosecutor may not be available.

Note:- Since 1973 the Assistant Public Prosecutors are appointed by Gujarat Public Service Commission and they are performing their duties under the control of Gujarat State Legal Department.

2.17 Criminal Investigation Department (Intelligence).(State Level)—

The Criminal Investigation Department (Intelligence) of the State is controlled by a Deputy Inspector General of Police, (now it is controlled by Additional Director General of Police) who is assisted by one or more assistants of the D.I.G. and Superintendent of Police and a staff consisting of necessary numbers of Deputy Superintendent of Police, Inspectors, Sub-Inspectors, Head Constables and Constables in the head office. There are 4 Criminal Investigation Department (Intelligence) Units, at Ahmedabad, Baroda, Rajkot and Bhuj, each under a Deputy Superintendent of Police with required subordinate staff attached to it. There are Criminal Investigation Department (Intelligence) centers in each district under a Police Inspector and/or a Police Sub-Inspector stationed at the District Head Quarters and also other important places in the District. The main work of the Branch is to collect intelligence which may have a bearing on the law and order situation in the State and in the country. In addition, the branch also deal with the movements and activities of foreigners and other subversive elements. The security of the V.I.Ps. Vital installations and of the country in general is included in the duties of this Branch.

2.18 Criminal Investigation Department (Crime).(State Level)—

(1) The Criminal Investigation Department (Crime) of the State, commonly known as State C.I.D.(Crime), is controlled by an Additional Director General of Police who is assisted by one or more assistants of the rank of Deputy Inspector General of Police and Superintendent of Police and a staff consisting of the necessary number of Deputy Superintendents of Police, Inspectors, Sub-Inspectors and Head-Constables in the head office. Complicated and important cases, as also those having inter-State or inter-district ramifications and cases entrusted to this Branch under the orders of the Inspector-General (Director General) of Police or the State Government are taken up by this branch for investigation. There are two Criminal Investigation Department (Crime) Units, one for each of the two ranges, viz. Baroda and Rajkot, under the control of a Superintendent of Police with the required subordinate staff attached to it. A Police Research Centre is also functioning at the head officer under a Superintendent of Police with the required number of Deputy Superintendent of Police, Police Inspectors, Sub-Inspectors and Head Constables, to undertake study, analysis and research with regard to the incidence of crime in particular areas of the State.

(2) The Finger Print Bureau is a wing of the Criminal Investigation Department and is controlled by the Deputy Inspector General of Police, Criminal Investigation Department (Crime). The Director, Finger Print Bureau is in charge of the Bureau and he has under him a Director, Group II, Experts and Searchers. (for fuller details vide Finger Print Bureau Manual).

(3) The Handwriting and Photographic Bureau functions under the administrative control of the Deputy Inspector General of Police, Criminal Investigation Department (Crime). The Bureau is in charge of the Chief State Examiner of Questioned Documents. This Bureau gives expert opinion to the police on questioned documents and attends to identification of handwriting and all photographic requirements pertaining to finger prints, chance prints, scenes of accidents, house-breakings and theft cases, unknown dead bodies, etc. They also supply photos of externees and criminals for the purpose of identifying them and watching their movements whenever necessary.

(4) A Forensic Science Laboratory functions under the administrative control of the Home Department to assist the Police in dealing with crime on systematic and scientific basis. The laboratory is in charge of a Director, assisted by other subordinate staff.

(5) The railway police under the Superintendent of Police, Western Railway, Baroda and the State Traffic Branch under a Superintendent of Police with its Head-quarters at Ahmedabad are also under the control and supervision of the Additional Director General of Police.

2.19 Anti-Corruption Bureau.(State Level)—

(1) With a view to eradicate the evil of corruption and bribery amongst Public Servants, there is an Anti-Corruption Bureau, under the control of the Director, Anti-Corruption Bureau. The Director, Anti-Corruption Bureau has been designated as Additional Director General of Police and Director Anti-Corruption Bureau. The Additional Director General of Police and Director is a Head of Department under the administrative control and direct supervision of the Home Department. The Additional Director General of Police and Director is assisted in his work by one or more Joint Directors (of the rank of Special Inspector General of Police) and Assistant Directors (of the rank of Superintendent of Police), Deputy Superintendent of Police, Police Inspectors and Police sub-inspectors, etc.

(2) In every District, at least one Inspector of Police of this Bureau is stationed. In certain Districts there are one or more Police Sub Inspectors to assist the Police Inspector. Units offices are working under an Assistant Director (of the rank of Deputy Superintendent of Police), with necessary staff under him.

(3) Officers (designated as Assistant Directors) from other departments like Public Works Department and Revenue Department are taken on deputation and attached to the Bureau, to assist and advixe the Bureau in matters pertaining to their respective Departments.

2.20 State Reserve Police Force.—

With a view to providing the Armed force which may be required at any place in the State to deal with any disturbance or other emergency, the State Reserve Police

Force, trained more or less on Military lines and equipped with modern weapons, has been organized under the Bombay State Reserve Police Force Act, 1951 and is constituted into Groups and stationed at different centres in the State each Group being under the control of a Commandant of the rank of Superintendent of Police assisted by necessary staff of officers of different ranks. All the Groups of the State Reserve Police Force are under the administrative control of the Additional Director General of Police, Armed Units. The constitution and working of these Groups are given in the State Reserve Police Act, and the rules framed there under, as also circular orders issued from time to time.

2.21 Police Wireless Grid.(State Level)—

(1) The Gujarat State Police Wireless Organization is functioning under the Superintendent of Police, Wireless, who is assisted in his work by Deputy Superintendents of Police, Police Wireless Inspectors, Police Wireless Sub-Inspectors and other subordinate staff. This Section is controlled by the Deputy Inspector General of Police, Armed Units.

(2) The Police Wireless Communication net work consists of H.F. (High Frequency) or V.H.F. (Very High Frequency). It has static or fixed stations or mobile and/or transportable stations.

(3) Every district and State Reserve Police Group has a static wireless station at the district or State Reserve Police Headquarters connected with the State Headquarters at Ahmedabad. They are grouped together on different channels with State Headquarters according to load of traffic and administrative convenience. Some districts have also wireless stations at taluka Headquarters and/or other important or strategic places. In addition, some districts have been provided with wireless mobiles.

(4) In some important cities like Ahmedabad, Surat, Rajkot, Baroda etc. there are static control stations linked with wireless mobiles, for patrolling mobiles, striking force mobiles, traffic mobiles, supervising officers, mobiles, etc.

(5) There is a Central workshop and Stores at Ahmedabad for the upkeep, maintenance and supply of wireless equipments and also to give general technical

assistance wherever required in the State. A training centre also exists at Ahmedabad, where training is imparted to the wireless staff and other incumbents.

2.22 Police Motor Transport.(State Level)—

A Motor Transport Section for the whole State under a Superintendent of Police, Motor Transport is controlled by the Additional Director General of Police, Armed Units. The duties of this Section in general are--

(i) To help maintain the Motor Transport fleet and Water Transport in good condition.

(ii) To help in condemning vehicles, buy new ones and to adapt the Police Motor Transport to changing conditions.

(iii) To carry out the duty of maintenance of vehicles through the Motor Transport workshops at Rajkot and Baroda.

(iv) To impart basic and refresher training to mechanics, technical staff and drivers, and

(v) Generally to advise the Inspector General on all matters relating to transport.

2.23 Traffic Control Department.(Commissionerate & District)—

(1) There is a separate Traffic Control Branch in the Commissionerate under the control of a Deputy Commissioner of Police assisted by the requisite number of Police Inspectors, Sub-Inspectors and other subordinate staff. The main functions of this Branch are:--

To regulate traffic in general and motor traffic in particular on important roads in the Commissionerate so as to prevent accidents; to study roads; especially the width and designs of footpaths, designs for traffic islands and such Engineering problems and to advise the Commissioner of Police on modifications to permit free flow of traffic; to enquire into and give technical advice in cases of motor accidents; to study accidents and suggest suitable measures to prevent them, to inculcate traffic sense in the minds of the members of the public through propaganda and other means; to enforce speed limits and other regulations in force; to enforce the law prohibiting

transport of any article from region to region and generally to advise the Commissioner of Police on the existing and likely traffic problems of the city.

(2) A similar Traffic Branch consisting of a Deputy Superintendent of Police and necessary subordinate staff, equipped with motor vehicles to facilitate quick movement in functioning under the direct control of the Additional Director General of Police C.I.D. (Crime and Railways) to cover the mofussil area and to perform similar functions with respect to the whole State and to advise the Director General of Police suitably.

2.24 Office Staff.—

(1) The ministerial staff of the Police Department consists of one combined cadre.

(2) The staff in the office of the Inspector General of Police & Director General of Police ordinarily consists of one or more Deputy Assistants to the Inspector General of Police, one or more Office Superintendents, and necessary number of Head Clerks, Clerks, Stenographers and typists.

(3) The staff in the office of the Commissioner of Police consists of one or more Office Superintendents, Head Clerks, Clerks, Stenographers and Typists.

(4)(a) The staff in the office of the Deputy Inspector General of Police consists of an Office Superintendent, and/or a Head Clerk, Stenographer and the requisite number of Clerks.

(b) To assist in the study of crimes in his charge, the Range Deputy Inspector General of Police has in his office a Police Inspector who is styled as Reader Inspector.

(5)(a) The ministerial staff of all the office of the Superintendents of Police, the Principals, Police Training Schools and the Commandants, State Reserve Police Force Groups, consists of a Head clerk and necessary number of clerks.

(b) An officer of the rank of Police Inspector is appointed as Home Inspector of Police to supervise, among other things, the work of ministerial establishment of the office of the Superintendents of Police in the Districts.

(c) To assist in studying the crime position in his charge, the Superintendents of Police and the Sub-Divisional police officers have in their offices a Police Sub-Inspector, who is styled as a "Reader".

2.25 Mounted Police.—

In addition to the armed police, there are Mounted Police Units in some Districts. They are useful for crowd control during unrest, keeping watch over criminals and anti-social elements in areas notorious for such activities and especially for prevention of crop thefts and illegal grazing of standing crops in fields.

2.26 Dog Squad.—

In view of the increasing possibilities for the use of police dogs in the detection of crimes; Dog squads have been stationed at Ahmedabad and some Districts, to help in the investigation of various crimes; Separate instructions are issued from time to time regarding the use of these Squads.

2.27 DIRECTION AND CONTROL

2.27(1) Police Sub-Inspectors, Police Inspectors, Circle Police Inspectors:--(P.S.I., P.I., C.P.I.)

The Police Sub-Inspectors, Police Inspectors, Circle Police Inspectors works under the control of Deputy Superintendent of Police and exercises powers and performs duties conferred or imposed upon him as enumerated in Bombay Police Manual Volume III and under the Bombay Police Act, 1951. The Sub-Inspector, or the Inspector of Police is the head of the Police Station, he is the Police Station Officer and The Circle Police Inspector is the supervisory officer of two to three Police Stations controlled by Sub-Inspector of Police.

2.27(2) Sub-Divisional Police Officers.(Dy.S.P. & A.S.P.)—

The Assistant or Deputy Superintendent of Police in charge of a Sub-Division works under the Superintendent's control and exercises powers and performs duties conferred or imposed upon him as enumerated in Bombay Police Manual Volume III and under the Bombay Police Act, 1951.

2.27(3) District Superintendent of Police.(S.P.)—

(1) Subject to the orders of the Director General of Police and the District Magistrate in their respective spheres of authority, the direction and regulation of the police throughout a district is vested in the Superintendent as the executive head of the force and he has full control over the internal administration of the force under him including arms, drill, exercise, prevention and investigation of crime, prosecution, discipline and other matters of executive detail.

(2) An Additional Superintendent of Police is in the same position as the Superintendent of Police in the area for which he is appointed and performs such duties and exercises such powers of the Superintendent as the State Government might have assigned to him.

2.27(4) District Magistrate.(D.M.)—

(1) A District Magistrate shall exercise full control over his District Police Force. In exercising his authority as such, the District Magistrate is subject to the rules and orders made by the State Government.

(2) In exercising his authority under section 17 of the Bombay Police Act, 1951 in respect of Assistant Public Prosecutors, the District Magistrate may make general orders subject to which in addition to the orders of the Director General of Police, the Superintendent of Police will direct the study by such officers of laws, orders and modes of proceedings; but the District Magistrate shall not make any orders as to the distribution or as to the performance of duties of such officers.

(3) If the District Magistrate considers that the Police Force required for a particular occasion is not available in the District, he can communicate with the Director General of Police, who will, as far as possible, comply with the District Magistrate's requisition. At the same time the District Magistrate will avoid, as far as possible, interference in matters of personal relations among members of the force and of disciplinary details.

(4) Superintendents of Police should inform the Director General immediately when they send men from their Districts to adjoining Districts at the instance of

District Magistrates or of Government, in cases where the Director General is not aware of such movements of the police.

(5) In order to keep in touch with the state of crime and the maintenance of peace and order in the District, the District Magistrate may call for reports generally or on specific occasions from the Superintendents of Police on various matters connected therewith, such as prevention of disorder, regulation of assemblies and places of amusement, the distribution of the Police Force, etc.

(6) If the District Magistrate finds that a particular officer is unsuited for a particular duty or locality, it is open to him to ask the Superintendent of Police to substitute another officer in his place. If the officer to be replaced is above the rank of an Inspector, the Director General of Police will, at the instance of the District Magistrate, make such orders as he deems suitable, due weight being given to the views of the District Magistrate.

(7) If the District Magistrate is not satisfied with some matters of police administration in his District he should first move the Director General of Police in the matter, endorsing a copy of the reference to Government, if considered necessary, by him. In case he considers the action taken by the Director General is inadequate or unsatisfactory he may then move the Government in the matter.

(8) The maintenance unimpaired of the responsibility of the District Magistrate for the peace and good order of his charge is of the utmost importance. All questions of policy and of the administration of the law within the District are for his decision, and his orders should as a rule, be accepted unhesitatingly. Should a Superintendent of Police demur to any order of the District Magistrate of which reconsideration has been refused, and should he consider the matter of sufficient importance to justify his action, the only course open to him is to address the District Magistrate and formally request him to refer the question to Government, who will decide such cases in consultation with the Director General of Police. When such a request is received by the District Magistrate, he should make a reference through the Director General of Police. In the meantime the orders of the District Magistrate must be promptly and fully carried out unless and until they are revised by Government. The District Magistrate shall not, however, interfere in questions of recruitment, internal economy and organization nor with the administrative, disciplinary or other details of the Force.

The District Magistrate when exercising his power of control shall also abstain from any action likely to weaken the authority of the Superintendent of Police or to deprive him of responsibility. For this purpose he shall avoid, as far as possible the issue of executive orders to the Police until he has consulted the Superintendent. The Director General will discourage any tendency on the part of his subordinates to approach him unnecessarily in matters in which the control properly vests in the District Magistrate.

(9) Whenever District Magistrate visit Divisional Head-Quarters for Co-ordination Meeting, they should take the opportunity of discussing general problems regarding law and order and crime with the Range Deputy Inspector General of Police. When the matter is of urgency and importance, they should arrange to meet the Deputy Inspector General individually.

2.27(5) Deputy Inspector General of Police.(D.I.G.)—

(1) The Deputy Inspector General of Police will perform such of the duties of the Inspector General of Police and will exercise such control as may from time to time be delegated to him either by Government or by the Director General of Police in respect of such powers as it may be within the latter's competence to delegate.

(2) The administration by the Superintendent which comes within the sphere of the Director General of Police shall also be subject to the control of the Deputy Inspector General of Police of the range concerned, so far as the latter officer has been empowered to exercise such control in respect of such matters.

(3) Whenever neglect or want of system or divergence from orders is observed, the Deputy Inspector General shall point out to the Superintendent of Police the proper method of conducting the duty and the latter, will carry out the instructions given, any difference of opinion being submitted to the Director General of Police subsequently.

(4) Deputy Inspector General when inspecting the police administration of a District should make a point of seeing the District Magistrate.

(5) A Deputy Inspector General may not issue any circular orders to, nor may be prescribe any returns or forms to be prepared by Superintendents of Police of the Districts in his range without the previous sanction of the Director General of Police.

2.27(6) Inspector General of Police (I.G.)—

The Inspector General of Police will perform such of the duties of the Deputy Inspector General of Police and will exercise such control as may from time to time be delegated to him either by Government or by the Director General of Police in respect of such powers as it may be within the latter's competence to delegate.

This post is created in Gujarat Police department for promotion purpose to Deputy Inspector General of Police. The duties of the I.G. is same as the duties of D.I.G.

2.27(7) Commissioner of Police.(C.P., D.C.P., A.C.P.)—

The Commissioner of Police, subject to the orders of the Director General of Police, shall, within his sphere of authority direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations distribution of duties, study of law, orders of modes of proceedings and all matters of executive detail or the fulfillment of their duties by Police Force under him.

2.27(8) Director General of Police. (D.G.P.)—

(1) The Director General of Police is the Head of all the Police Force in the State. He is the Head of the Police Department and the Adviser to Government on all questions of Police Administration. He is responsible for the internal economy, general training and discipline of the Police Force, and for its efficient organization as a means of preventing and checking crime and preserving law and order.

(2) All orders of Government in connection with the Police Force should, as a general rule, be issued through the Director General of Police. In any case where it may be necessary for Government to issue special orders to any part of the force, these also, as a general rule, should issue through the Director General of Police a copy of the same being sent to the District Magistrate concerned, when necessary. This sub-rule does not apply to general orders which are communicated simultaneously to all officers concerned.

(3) The general orders which the Director General of Police is empowered to make under Section 23 of the Bombay Police Act, 1951, need not in all cases be

submitted to Government for approval. But the Government expect the Director General of Police to submit for their previous approval any general orders involving radical and important changes which the Director General of Police may propose to issue under that section; otherwise all orders on matters of routine or of an unimportant nature may be issued by the Director General of Police without reference to Government.

(4) The Director General of Police has control over the Superintendent of Police in respect of his personal movements and duties subject to the provisions of Section 17 of the Bombay Police Act 1951.

CHAPTER-III

(3) CADRES OF POLICE FORCE:

The Government of India, Ministry of Personnel, Public Grievance and Pensions, Department of Personnel & Training, New Delhi, published their NOTIFICATION No. 11052/04/2010-AIS-II-A on 30th March 2010 as under :-

Prior to this notification the CADRE POSTS in Gujarat State Police Department were 85 only. After this notification the Senior Posts under the Gujarat Government extended to 107 which are as under:-

GUJARAT		107
1.	Director General of Police, Gujarat.	1
2.	Director General, Civil Defence & Home Guards.	1
3.	Commissioner of Police, Ahmedabad City.	1
4.	Addl. Director General of Police, CID, (Crime and Railways)	1
5.	Addl. Director General of Police, Intelligence.	1
6.	Addl. Director General of Police (Law & Order)	1
7.	Addl. Director General of Police, Armed Police (Armed unit)	1
8.	Addl. Director General of Police, Administration	1
9.	Commissioner of Police, Surat City.	1
10.	Commissioner of Police, Vadodara City.	1
11.	Addl. Director General of Police & Director, State Police Academy, Karai, Gandhinagar.	1
12.	Commissioner of Police, Rajkot City.	1
13.	Joint Commissioner of Police (Crime), Ahmedabad City.	1
14.	Inspector General of Police, Ahmedabad Range.	1
15.	Inspector General of Police, Vadodara Range.	1
16.	Inspector General of Police, Rajkot Range.	1
17.	Inspector General of Police, Gandhinagar Range.	1
18.	Inspector General of Police, Junagadh Range.	1
19.	Inspector General of Police, Surat Range.	1
20.	Inspector General of Police, Border Range, Bhuj.	1

21.	Inspector General of Police, CID (IB)	1
22.	Inspector General of Police, CID (Crime)	1
23.	Inspector General of Police, Operation	1
24.	Addl. Director, Anti Corruption Bureau.	1
25.	Joint Director, Police Academy, Karai, Gandhinagar.	1
26.	Joint Commissioner of Police, Sector-I, Ahmedabad City.	1
27.	Joint Commissioner of Police, Sector-II, Ahmedabad City.	1
28.	Joint Commissioner of Police, Headquarters, Ahmedabad City.	1
29.	Joint Commissioner of Police, Traffic, Ahmedabad.	1
30.	Joint Commissioner of Police, Sector-I, Surat City.	1
31.	Joint Commissioner of Police, Sector-II, Surat City.	1
32.	Inspector General of Police, Railways.	1
33.	Deputy Inspector General of Police, Law and Order.	1
34.	Deputy Inspector General of Police, Armed Police.	1
35.	Deputy Inspector General of Police, Enquiries.	1
36.	Deputy Inspector General of Police, Planning & Modernization.	1
37.	Deputy Inspector General of Police, CID (Crime)	1
38.	Deputy Inspector General of Police, Coastal Security.	1
39.	Addl. Commissioner of Police, Administration, Traffic & Crime, Rajkot City.	1
40.	Addl. Commissioner of Police, Crime & Traffic, Vadodara City.	1
41.	Addl. Commissioner of Police, Administration, Ahmedabad City.	1
42.	Addl. Commissioner of Police, Special Branch, Ahmedabad City.	1
43.	Joint Director, Anti Corruption Bureau.	1
44.	Principal, Police Training College, Vadodara.	1
45.	Principal, Police Training College, Junagadh.	1
46.	Principal, SRP Training Centre, CHOWKI, Dist.Junagadh.	1
47.	Deputy Inspector General of Police, Women Cell, Gandhinagar.	1
48.	Deputy Inspector General of Police, Intelligence, Gandhinagar.	2
49.	Deputy Inspector General of Police, Armed Units, Rajkot.	1

50. Deputy Inspector General of Police, Armed Units, Vadodara. 1
51. Addl. Commissioner of Police, Traffic & Crime, Surat City. 1
52. Deputy Inspector General of Police, CID (Crime-IV),Gandhinagar. 1
53. Superintendent of Police, Ahmedabad Rural. 1
54. Superintendent of Police, Kheda. 1
55. Superintendent of Police, Anand. 1
56. Superintendent of Police, Sabarkantha, Himatnagar. 1
57. Superintendent of Police, Mehsana. 1
58. Superintendent of Police, Gandhinagar. 1
59. Superintendent of Police, Patan. 1
60. Superintendent of Police, Amreli. 1
61. Superintendent of Police, Bhavnagar. 1
62. Superintendent of Police, Junagadh. 1
63. Superintendent of Police, Porbandar. 1
64. Superintendent of Police, Jamnagar. 1
65. Superintendent of Police, Rajkot Rural. 1
66. Superintendent of Police, Surendranagar. 1
67. Superintendent of Police, Bharuch. 1
68. Superintendent of Police, Panchmahal-Godhra. 1
69. Superintendent of Police, Vadodara Rural. 1
70. Superintendent of Police, Valsad. 1
71. Superintendent of Police, Surat Rural. 1
72. Superintendent of Police, Banaskantha. 1
73. Superintendent of Police, Kutch. 1
74. Superintendent of Police, Narmada. 1
75. Superintendent of Police, Dahod. 1
76. Superintendent of Police, Navsari. 1
77. Superintendent of Police, Ahwa-Dangs. 1
78. Superintendent of Police, Tapi (Vyara) District. 1
79. Superintendent of Police, CID (Intelligence) 1
80. Superintendent of Police, CID (Crime) 1
81. Superintendent of Police, Western Railway, Vadodara. 1
82. Superintendent of Police, Economic Offences Cell. 1
83. Deputy Commissioner of Police, Zone-I, Ahmedabad City. 1

84. Deputy Commissioner of Police, Zone-II, Ahmedabad City. 1

85. Deputy Commissioner of Police, Zone-III, Ahmedabad City. 1

86. Deputy Commissioner of Police, Zone-IV, Ahmedabad City. 1

87. Deputy Commissioner of Police, Zone-V, Ahmedabad City. 1

88. Deputy Commissioner of Police, Zone-VI, Ahmedabad City. 1

89. Deputy Commissioner of Police, Traffic-I, Ahmedabad City. 1

90. Deputy Commissioner of Police, Zone-I, Surat City. 1

91. Deputy Commissioner of Police, Zone-II, Surat City. 1

92. Deputy Commissioner of Police, Zone-III, Surat City. 1

93. Deputy Commissioner of Police, Zone-IV, Surat City. 1

94. Deputy Commissioner of Police, Zone-I, Vadodara City. 1

95. Deputy Commissioner of Police, Zone-II, Vadodara City. 1

96. Deputy Commissioner of Police, Headquarter & Administration, 1
Vadodara City.

97. Deputy Commissioner of Police, Rajkot City. 1

98. Superintendent of Police, CID (Cime), Gandhinagar. 1

99. Superintendent of Police, Operation, Gandhinagar. 1

100. Deputy Commissioner of Police, Crime, Ahmedabad City. 1

101. Deputy Commissioner of Police, Control Room, 1
Ahmedabad City.

102. Superintendent of Police, Vigilance Squad, 1
DGP Office, Gandhinagar.

103. Superintendent of Police, Intelligence, Gandhinagar. 1

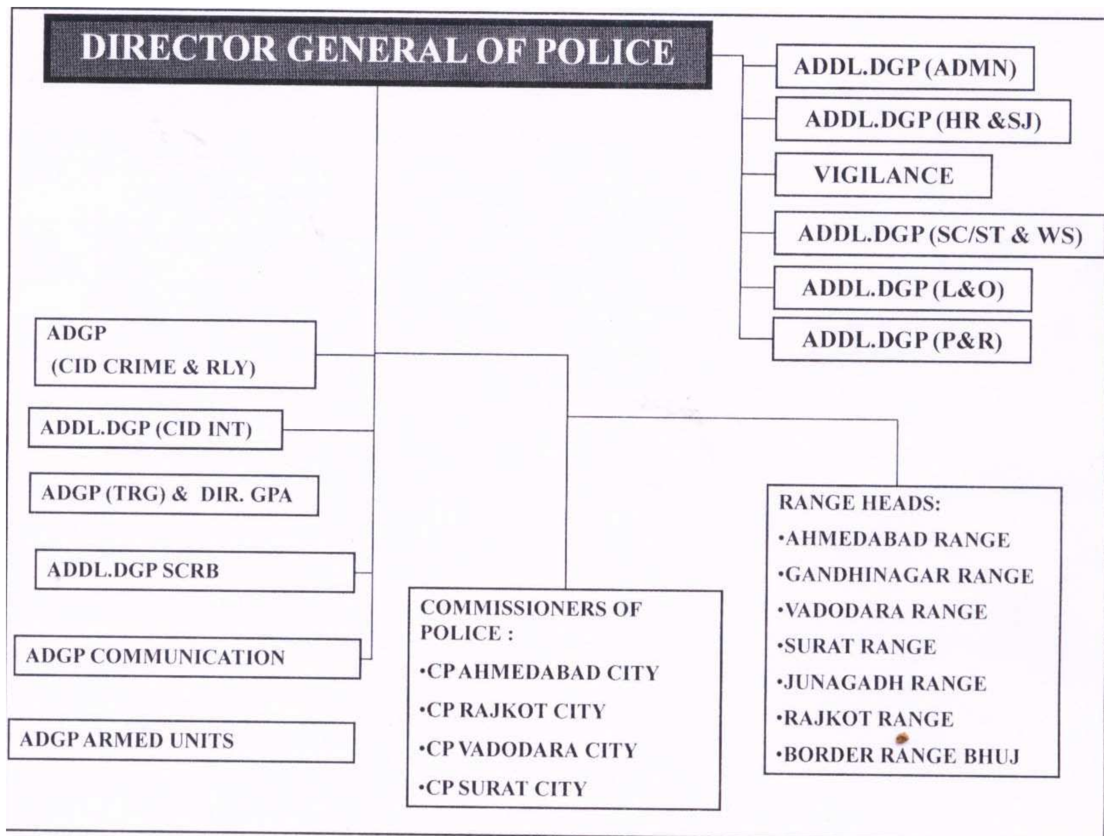
104. Superintendent of Police, Intelligence, Vadodara. 1

105. Superintendent of Police, Intelligence, Surat. 1

106. Superintendent of Police, CM & VIP Security, Gandhinagar.1

Total: 107.

Except above Senior Posts there are posts of A.S.P. and Dy.S.P. in Sub-division, P.I. or P.S.I. in Police Station, and Constables and Head Constables in Police Force.


DIRECTOR GENERAL OF POLICE
ADDL.DGP (ADMN)
ADDL.DGP (HR &SJ)
VIGILANCE
ADDL.DGP (SC/ST & WS)
ADDL.DGP (L&O)
ADDL.DGP (P&R)
ADGP
(CID CRIME & RLY)
ADDL.DGP (CID INT)
ADGP (TRG) & DIR. GPA
ADDL.DGP SCRB
ADGP COMMUNICATION
ADGP ARMED UNITS
COMMISSIONERS OF POLICE :
•CP AHMEDABAD CITY
•CP RAJKOT CITY
•CP VADODARA CITY
•CP SURAT CITY
RANGE HEADS:
•AHMEDABAD RANGE
•GANDHINAGAR RANGE
•VADODARA RANGE
•SURAT RANGE
•JUNAGADH RANGE
•RAJKOT RANGE
•BORDER RANGE BHUJ

CHAPTER-IV

(4) RECRUITMENT :

The role of the police is becoming more and more complex in the new social context. The police have now to be more than ever conscious of their role in safe-guarding and fostering the processes of socio-economic growth and development and ensuring social justice. Linked with this is their responsibility for preserving the democratic order of society and upholding the Constitutional provisions, particularly with regard to equality before the law. Changes in values and social norms in this restless and turbulent age and challenges to established authority have made the task of the police delicate and exacting. Communal violence poses a serious problem for the police who are committed to maintaining and enforcing the secular concept of the Constitution. The growth of political extremism, a variety of social, political, economic, regional and linguistic tensions, and a rate of violent and heinous crime outpacing the rate of population growth due to industrialization, rapid urbanization and other economic factors have brought about a qualitative change in the nature and degree of the responsibility of the police in India. The induction of liberal principles of social defence into various aspects of law enforcement, the progress of science and technology and a very large number of social and other enactments have added to the volume and complexity of police work. At the same time, new techniques and devices are becoming available to an increasing extent to assist the police in the performance of their onerous tasks.

Of all the public services, the police alone can exercise direct coercive influence on the individual citizen. They have also been given discretion in order that they can be effective and responsive to the needs of the public. Their role calls upon them to make quick, perceptive judgments in the thick of conflict and in the glare of public scrutiny and errors of judgment on their part can cause irreparable harm. Law enforcement involves constant interaction with human beings. Human nature itself is very complex and has no set pattern. Policing in a modern society, therefore, calls for a deep insight into human behavior and a pragmatic approach.

These considerations call for persons of exceptional ability, intelligence and alertness and a high level of physical courage and stamina. Besides, they should be honest and impartial and men of character. We must also recognize the fact that the quality of the police officers recruited in the coming years will affect the standards of

performance of the force for at least the next quarter of a century and will provide the leadership which will face the challenges not only of today but also of the next two or three decades. The importance of sound recruitment procedures is, therefore, crucial.

The nature of the police role in a democracy requires that the members should be selected impartially; they should be administratively competent, politically neutral, and imbued with the spirit of selfless service. A police officer enjoys vast powers under the law and exercises wide discretion. The recruitment procedures should, therefore, be so devised that they are free from political, personal or corruptive influences. The need for objectivity in selection cannot be over-emphasized.

4.1 PRE-ENTRY ORIENTATION

Like any other profession, the police also require personnel who have an aptitude for or interest in police work. In order to create this interest among the youth, it might be useful to expose them to police work during their school/college education and to extend the study of criminology in the universities.

Direct recruitment is made in the police at the levels of the Constables, the Sub-Inspectors, the Deputy Superintendent and the Assistant Superintendent.

There are three Cadres in Police force which are directly recruited by the State Government.

Police Constable, the recruitment of this cadre is by District or range level. They are appointed by the District Supdt. of Police or sometimes Inspector-General of Police of concerned range, or by Commissioner of Police. Now-a-days Gujarat Govt. has established recruitment board for Recruitment of Constables under the leadership of Addl. Director General of Police and recruitment is made by the Addl. Director General of Police Administration, Gujarat State.

Police Sub-Inspectors: According S.5 of the B.P.Act, the State Govt. appoints the P.S.I.'s by G.P.S.C. or by committee or board. The last recruitment was made by the selection board established under the leadership of Addl. Director General of Police.

Dy.S.P. The selection of this cadre have been made thro' G.P.S.C. only and after that G.A.D. appoints them in their cadre.

A.S.P. (IPS) : they are recruited thro' U.P.S.C. by Central Govt.

Supreme Court has ordered to separate the investigation wing and law and order wing. But Gujarat State has not followed the order or guideline of Hon. Supreme Court. If there is a separate investigation wing then at the time of appointment Science students can be considered for recruitment in Police force for investigation purpose because in investigation Medical and Forensic Evidence requires much importance.

Gujarat Government has started Raksha Shakti University in Ahmedabad and introduced Diploma Course but it is of very lower level and only for constables. Gujarat Government should start these courses for Class I, II, III posts as Pre-orientation.

Village Police: Before 30 years ago there was a police force named Village Police for the maintenance of Law & Order in the villages. As per village police act, 1867 S.5 the District Magistrate has powers for appointment of Village Police and Police Patel. They are performing their duties according the rules framed by the State Govt. They were honorary officers and there was provision to pay the honorarium. They were helping officers of Regular Police Force.

Railway Police: There is a provision to recruit Police Constables in Railway Police. The Supdt. Of Rly. Police, Baroda is the appointing authority for the recruitment of constables. But the P.S.I., P.I., DY.S.P. And S.P.'s are appointed by the State Govt. and they are on loan service from the state police force. There is a provision of mutual transfer, or regular transfer between State Police and Rly. Police.

4.2 RECRUITMENT, APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY.

SECTION-I. CLASSIFICATION AND GENERAL PRINCIPLES FOR RECRUITMENT.

(1) Division of Police Establishment under different Services: --

The personnel of the Police Department come under the different services as shown below:--

1. **All India Service.—**Members of the Indian Police and Indian Police Service.

2. (a) **Gujarat State Police Service**.—Superintendents of Police and Commandants of State Reserve Police Force Groups non-Cadre Officers (holding cadre or non-cadre posts), Assistant Commandants of the State Reserve Police Force, Deputy Superintendents of Police in the mofussil, Superintendents in the Commissionerate and Inspectors of Police.

(b) Gujarat State Police Service (technical executive).—Superintendent of Police, Wireless, Deputy Superintendent of Police, Wireless, and Deputy Superintendent of Police, Motor Transport.

(c) General State Service—Deputy Assistants to the Inspector General of Police; Office Superintendents to the Inspector General of Police; Director, Finger Print Bureau (Group I) and Assistant Public Prosecutors.

3. **Class III Service**.—Sub-Inspectors of Police, Head Constables, Police Constables, Subordinate ministerial staff, Director, Finger Print Bureau (Group II).

4. **Class IV Service.—**Peons and other miscellaneous servants.

(2) General Principles Regarding Recruitment.—(1) Recruitment rules for the several posts in the Police Department are detailed in the subsequent rules. All the appointing authorities should pay adequate attention to the various recruitment rules while making appointments. No person shall be appointed to any service or post unless he possesses prescribed qualifications, relating to the recruitment to such service or post.

(2) If a person is appointed to a particular post in relaxation of prescribed qualifications on the ground that suitable candidates possessing those qualifications were not available and if such person applies for another post on the strength of relaxation within a short time, the Head of the Department or office should withold the application of such person. It is not intended that he should be permanently debarred from applying for other posts, but the intention is that he should not be allowed to apply for other posts within about one or two years of his appointment. This will not apply to persons who have been appointed in relaxation of the prescribed age limit on the ground that they possess superior qualifications and/or experience,

but apply only to those persons who are appointed in relaxation of the prescribed age limit or educational qualification on the ground of non-availability of suitable candidates possessing the prescribed qualifications.

(3) The recruitment shall be made in accordance with the principles mentioned in the Gujarat Civil Service Classification and Recruitment (General) Rules, 1967, as amended from time to time.

(4) With a view to ensuring that young men in Educational Institutions are attracted to the Home Guards in large numbers, Government has decided that, other qualifications being equal, regular members of the Home Guards who have completed their training should be given preference vis-a-vis others in recruitment to posts in the Police service in localities where there are Home Guard Units, and that membership of the Home Guards should be regarded as an additional qualification for recruitment to all posts in Government services.

(5) The use of caste nomenclature in the application form prescribed for applying for different posts in the State Government is stopped and where special reservation have been made according to the Constitution of India, such persons should be requested to give special certificate along with their applications in the prescribed form.

(3) Recruitment of Backward Classes.—

(1) (a) Out of the vacancies occurring in the Police Department, which are filled up by direct recruitment, a minimum percentage of such vacancies as prescribed by Government from time to time, should be reserved for members of the Scheduled Castes and Scheduled Tribes for the purpose of recruitment.

(b) If at the time of recruitment sufficient number of candidates are not available according to the prescribed percentage of reservation, for either members of scheduled castes or scheduled tribes these reserved posts will be carried forward and filled in accordance with the Government Orders.

(2) In order to ensure that the minimum percentage of vacancies prescribed for Backward Class candidates are kept up in Class III and Class IV services all appointing authorities should obtain from different sources lists of suitable Backward Class candidates at the time of filling up the vacancies in Class III and Class IV service.[1]

SECTION II—RECRUITMENT RULES.

A) Officers for the Indian Police Service.—

(1) Under Article 309 of the Constitution of India, the President of India or such other person as he may direct, has been vested with the power to recruit officers for the Indian Police Service. Appointment to the said service may be direct by competitive examination or by promotion from the State Police Service cadre. Detailed particulars regulating recruitment, constitution of cadre, etc. can be found in the Indian Police Service (recruitment) Rules, 1954, Indian Police Service (appointment by promotion) Regulations, 1955, and Indian Police Service (appointment by competitive examinations) Regulations, 1955, Indian Police Service (Special Recruitment) Regulations, 1957 and Indian Police Service (Emergency Commissioned and Short Service Commissioned Officers) (Appointment by Competitive Examination) Regulations, 1966, vide All India Services Manual issued by the Government of India, Ministry of Home Affairs.

(2) All rules applicable to Indian Police Service officers are published in the hand book of Rules and Regulations for the All India Services Manual issued by the Government of India, Ministry of Home Affairs.

After appointment as I.P.S. they have to undergo training for ONE YEAR at Sardar Vallabhbhai Patel National Police Academy, Hyderabad for training of ONE YEAR. Than after they are assigned the different states by the Central Government with the consultation of State Government.

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1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India. P.22 to 25.

In the field job they have to work as an **ADDITIONAL SUPDT. OF POLICE** for one year and than after they are appointed as **SUPDT. OF POLICE IN ANY DISTRICT.**

After appointment in Gujarat State as **I.P.S.OFFICER** he has to undergo training for State Laws, State Police Rules etc. for at least **ONE MONTH.** During this training they have to study particularly Bombay Police Act, Bombay Prohibition Act, Prevention of Gambling Act, **PASA** etc. most important state laws. They are district officers and it becomes very necessary for them to be familiar with state laws. They have to keep keen contacts with other departments of State and Union in the State. One month training in Gujarat Police Academy Karai becomes more important for them to become familiar with State administration. This experience becomes useful to them at the time of working as Supdt. Of Police of the District.

Superintendent of Police Wireless:-

Appointment to the post of Superintendent of Police Wireless, State of Gujarat, shall be made either by promotion of a suitable officer from the Gujarat Police Force or by nomination.

B) RECRUITMENT OF Dy.S.P., RELATIVE SENIORITY OF AN ASSISTANT AND A DEPUTY SUPERINTENDENT OF POLICE FOR THE PURPOSES OF COMMAND.—

When an Assistant and a Deputy Superintendent of Police are both attached to a district, their comparative rank of seniority for the purposes of Command, in the temporary absence of the Superintendent of Police either away from the district, or from Head-quarters when on tour, etc. should be determined as follows:-

(i) If both or neither has been confirmed in their or his appointment, the Assistant Superintendent of Police should be considered superior in rank to the Deputy Superintendent of Police irrespective of the dates of their appointments.

(ii) If one officer has been confirmed and the other has not, the former should be considered superior in rank to the latter, irrespective of the service to which he may belong.

(iii) The post of Deputy Superintendent of Police shall be filled up by Gujarat Public Service Commission only.

An appointment to any serviced or post, included in the State Service, shall be made by the State Government or by an authority duly empowered in that behalf by the State Government either-

On the result of the competitive examination held for the purpose, or

By direct selection, or

By promotion, or

By transfer,

From amongst the persons satisfying the conditions prescribed in the Gujarat Civil Services Classification and Recruitment (General) Rules, 1967, and other rules, if any, relating to the recruitment to such service or post.

Every such appointment shall be made after consultation with the Gujarat Public Service Commission, unless under a regulation made under proviso to clause (3) of Article 320 of the Constitution of India, such consultation is not necessary/

After selection of Deputy Superintendent of Police by the Gujarat State Public Service Commission, the State Government after completing all the legal formalities recruit them as a Dy.S.P. Class-I post and they have to undergo training for at least ONE YEAR at Gujarat Police Academy, KARAI for Indoor as well as Outdoor training. After training of One Year they have to success in the final examination held by the training institute. Then after they have to join field duties in Police Force. They have to work from lower level, i.e. duty with head-constable, Police Sub-Inspector and Police Inspector. Then after they have to work with Sub-division Office of Police department and than they can take charge in the individual capacity in the department as Deputy Supdt. Of Police in Sub-divisional Police Office.

C) POLICE INSPECTORS, WIRELESS.—

(1) Appointment to the post of Inspector of Police (Wireless Section) shall be made by promotion of suitable officer on the select list prepared for this purpose or by nomination.

(2) To be eligible for appointment by nomination a candidate must,--

(i) Be not less than 21 years and; unless already in the service of the Government of Gujarat, be not more than 35 years of age;

(ii) (a) hold a degree in science with physics as one of the subjects and must have successfully completed postgraduate course in Radio Engineering, or possess other additional qualifications in Radio Engineering or (b) hold a degree in Tele-communication or Radio Engineering of a recognized University or an equivalent qualification ;

(iii) Possess certificate of competency for Wireless Operators issued by Government of India or an equivalent qualification;

(iv) Possess experience for not less than three years in the maintenance of wireless equipment;

(v) Have a minimum height of 168 centimeters and a minimum chest of 79 centimeters deflated:

Provided that the educational qualifications may be relaxed in the case of candidates who have served in Defence Department and possess First or Second class Army Education Certificate or are able to read and write English with facility and are also able to read sketches and blue prints and are otherwise qualified for the post :

Provided further that the upper age limit may be relaxed in the case of candidates with exceptionally good qualifications and/or experience.

(3) A candidate appointed by nomination will be on probation for a period of two years and will be required to pass such departmental and/or language examinations as may be prescribed by Government.

(4) Appointments by promotion will be made by the Director General of Police by selection in accordance with the principles and procedure prescribed by the rules.

(5) Confirmation.—Officers appointed as Inspectors will, if found fit, be confirmed by the Inspector General of Police.

(6) Seniority.—Seniority will ordinarily be determined by the dates of continuous appointment as such subject to the condition that fortuitous, local and temporary appointments do not entitle a person to gain any seniority. A gradation list for the whole State showing the seniority will be prepared by the Director General of Police and published every six months in the Police Gazette.

D) ARMED POLICE INSPECTORS.—

(1) Appointment of Police Inspectors (Armed) shall be made either:--

(i) By promotion of meritorious officers from the lower ranks of the Police Force in order of merit on Select List; or

(ii) By direct recruitment, in exceptional cases when suitable candidates in the Department are not available for promotion.

(2) To be eligible for appointment as Inspectors in the Armed Branch by direct recruitment candidates must possess the minimum qualifications, height, weight, etc. as prescribed by rules.[1]

E) UNARMED POLICE SUB-INSPECTORS.—

The recruitment of Police Sub-Inspector arranged by the Selection Committee of the State Police Authority. Earlier they were appointed through "Gujarat Gaun Seva Pasandagi Mandal". Recently within three years 1000 or more Police Sub-Inspectors have been selected in Gujarat Police Force and they are selected by the Board.

The Minimum qualification for the post of P.S.I. is Graduation. Physical skill and height are also compulsory like constables. After selection and all the formalities of recruitment they have to undergo training for at least 1 year to Gujarat Police Academy and Police Training College, Junagadh for their Basic training of Indoor as well as outdoor training. After completion the training they have to pass the examination in the training institute successfully. Then after they can go and work in the field.

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1. Gujarat Police Manual Part-I Chapter II.

(1) Sub-Inspectors are recruited direct by competitive examination and by promotion of officers from the lower ranks. 50 per cent of the appointments on the sanctioned cadre of Sub-Inspectors are filled by direct recruitment. Half of the remaining 50 percent posts are filled by promotion of officers from the lower ranks and the other half by promotion of Head Constables on passing the Sub-Inspectors' course at the Police Training School/College.

(2) The selection of candidates for direct recruitment of Sub-Inspectors is made by a selection committee consisting of the following officers, viz.:-

(1) The Director General of Police,

(2) The Director of the Anti-Corruption Bureau.

(3) The Commissioner of Police, Ahmedabad.

(4) The Senior most Deputy Inspector General of Police.

(5) The Principal, Police Training College, Junagadh or a Joint Director, Gujarat Police Academy, KARAI (Gandhinagar).

(3) The method of applying for selection is notified in the Gujarat Government Gazette, the Gujarat Police Gazette, and in important news-papers well in advance of each selection.

(4) The power to appoint Sub-Inspectors from amongst candidates selected by the Selection Committee has been delegated to the Deputy Inspector General of Police under Article 309 of the Constitution of India.

(5) For probation and confirmation of Sub-Inspectors recruited direct and Head Constables put through the Sub-Inspectors' course at the Police Training College. Head Constables promoted without taking such a course are appointed substantively after they have been tried sufficiently long in an officiating capacity and are, therefore, appointed without any period of probation.

(6) The Seniority of Sub-Inspectors recruited direct and Head Constables passing the Sub-Inspectors course is determined by the order of merit in which they pass out from the Police Training College. Head Constables promoted without taking such a course are, on confirmation placed below those Sub-Inspectors who were confirmed

on the same or earlier date. A Sub-Inspector student who has failed in his Final Examination at the Police Training College and is given an extension will, provided he passes at the next examination, be held to have passed out of the Police Training College, below all who joined after him but passed the Final Examination at the same examination. In cases where the probationary period is extended, the position of the officer concerned on the gradation list of Sub-Inspectors will be below that of any Sub-Inspector who passed out at the same time as himself. In cases where probationary period is extended for any reasons including leave or sickness, the position of the officer concerned on the gradation list of Sub-Inspectors should be determined by the order of merit in which they pass out from the Police Training College.[1]

(7) A gradation list showing the seniority of all Sub-Inspectors in his range is prepared and published in the Gujarat Police Gazette by each Range Deputy Inspector General every six months.

F) RECRUITMENT OF CONSTABLES:

A constable is not empowered to investigate offences but being a police officer, he can make an arrest without a warrant u/s. 41 Cr.P.C. He can seize any property suspected to be stolen u/s. 102 Cr.P.C. Some other duties which Constables attached to a police station are required to perform may be briefly stated as follows:-

Patrolling beat duty (picket duty, nakabandi), watching and shadowing suspects, undercover operations, collection of intelligence in relation to crime and criminals, specific enquiries such as ascertaining the where-abouts or occupation of persons under surveillance or relating to particular bad characters and suspicious persons and traffic duty.

Assisting an investigating officer in making searches, seizures and arrests and conducting raids, serving summons and executing warrants, escorting arrested persons, and preserving scenes of crime.

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1. Gujarat Police Manual Part-I Rule-61(10) and 63(3).

Attending bazaars, fairs, festivals, etc., for the purposes of maintaining order, performing V.I.P., and other security duties and handling mobs.

Maintenance of police station records.

It is obvious that a Constable's duties are not limited to mechanical tasks, but include duties which have to be performed with understanding, tact, sympathy and firmness. He has, at times, to deal with situations by himself until the arrival of superior officers, apprise and report incidents to his superiors, deal with juvenile offenders and victims of social crimes and protect the rights of the non-affluent sections of society. With the introduction of Panchayati Raj, he has to deal with elected representatives of the people, village headmen and other officials appointed by the Government at the village level.

The importance of the constabulary lies in the fact that they constitute the major part of the force, are the first to come into contact with the general public and the impressions of the people regarding the conduct of the constabulary contribute greatly to the image of the police.

EDUCATIONAL QUALIFICATION:

The educational standards prescribed at present vary from bare literacy to the High School or an equivalent examination.

The educational qualification prescribed, at present, for recruitment to the armed police is Matriculation. The duties of Constables in the armed police also involve contacts with the public e.g. during law and order arrangements, fairs and festivals, elections, VIP duties etc., and extend to dealing with extremists and dacoits. Therefore, armed policemen should not only be tough, but also intelligent and should have the capacity to discriminate between situations.

PHYSICAL QUALIFICATION OF CONSTABLES:

A policeman performing law enforcement functions works among the people all the time, especially while maintaining order. His build and appearance have, therefore, a direct impact on his effectiveness. A policeman standing in a crowd has a better view if he is taller than the average citizen. He is also likely, in that case, to be

more effective. A minimum height of 165 to 170 cms. was recommended by the Police commission.

The deflated chest measurement varies from 32” in the state. The minimum chest measurement recommended by the Police commissions varies from 30” to 32” as per recruitment basis.

PHYSICAL EFFICIENTY TESTS:

The aim should be to provide physical efficiency tests which are easy to administer to large numbers of candidates and which do not require specialized equipment or previous specialized training.

Selection Procedure:

Constables are recruited at present on a district/battalion basis or Range level or Recruitment Board of State Level.

Recently 8400 Constables now known as Lok Rakshak Dal has been selected by the Recruitment Board of Police Department and they have undergone training for atleast 8 months.

Constable is a Backbone in Police Force. Their strength is very large in comparison with Officers Cadre. He is the person to come into direct contact to the victim people. So his job is very much important.

CHAPTER-V

(5) TRAINING OF POLICE FORCE:

5.1 INTRODUCTION:

Training is a conscious effort to impart, improve or increase knowledge and skills and to develop attitudes and values of an individual in a desired direction. It is thus, a process of developing a person's effectiveness through carefully selected methods by competent trainers in a suitable learning climate. It should be directed not only towards preparing him for the efficient and effective performance of his duties in the assigned job, but also towards developing his capacity for greater responsibilities and, where appropriate, fitting him for other duties.

Traditionally, a great deal of emphasis has been laid on the inculcation of knowledge and professional skill as the twin objectives of training. While these two are important, they do not make training complete and there is a third one that needs to be recognized. This is the objective of developing in the trainees appropriate attitudes of mind towards their work and the people they come into contact with in the discharge of their duties. This third objective requires that training should relate not only to the cognitive and the co native abilities of an individual but also to his effective responses. Training should aim at developing a trainee's total personality for the effective performance of his task.

The need for the training of police personnel has been recognized but developments during the recent past have underlined particularly the urgency of inculcating in them attitudes appropriate to their profession. The rapidly increasing political consciousnesses among the people and their rising expectations and the accelerating rate of change in our society have resulted in an increase in the complexity and variety of the tasks and responsibilities undertaken by Government. The technological explosion has raised standards of living, increased the life span and the pace and speed of communications and thus led to problems of social and economic adjustment. The rate of change has increased to the point where the process of assimilating the implications must be accomplished in an incredibly short time, and the individual is faced with major changes in his thinking and his attitudes not once but perhaps more than once during his life time. This, coupled with the increasing size and complexity of the administration, calls for a new type of leadership.

In-service training affords an opportunity to an individual to spend some time in retrospection and study, to keep abreast of the most recent developments in matters relating to his profession in a changing world and to share his experiences with his colleagues. It also helps him to develop a broader and more understanding outlook towards his own work and that of his colleagues and to attain a higher standard of performance and efficiency.

Training has been described as a conscious effort to improve and increase knowledge, skill and aptitude of an individual in a desired direction. The object of training is not only to develop the professional skill of an individual for the performance of duties in the assigned job, but also to improve his capacity for shouldering greater responsibilities. There is paramount need and importance of training at different levels in the police organization for improving the quality of the police service.

The need for systematic training is now recognized by every major police force in the world, and not one of them is without its training schools and colleges. The best extensive arrangements to meet the need are found in England, the United States, France, Canada, Germany, Australia and Japan. The training of policeman at all stages is now receiving increasing attention in all countries. It has, in fact, become a subject of high importance, not only for police authorities, but for governments also. How thoroughly and for how long a recruit should be trained before being let loose on the public has been a difficult question to settle.

The committee on Police Training set up by the Government of India under the Chairmanship of M.S.Gore (1971) reviewed the existing training facilities in different police training institutions and came to the conclusion that police training has been neglected over the years and training arrangements, except in some Central Organizations, are unsatisfactory qualitatively as well as quantitatively. According to the Committee the most important reason for this unhappy situation, is the lack of conviction about the value of training on the part of police authorities as well as by the government at the Centre and in States.

It is important to understand what the purpose of police training should be. There are three objectives; to teach the recruit the legal, technical and practical sides of police work, to encourage personal qualities which go to make a good policeman

and to give the recruit a frame or reference in which to fit his career as a policeman. What should the personal qualities of a good policeman be? The most important qualities which a policeman needs are tact; a wide knowledge of human nature; a cool and unprejudiced mind; courage, incorruptibility, keen observation, ready to act on his own initiative. Given adequate knowledge of the practical side of his policeman will be able to discharge his duties fairly well to his own satisfaction as well as to the satisfaction of the public he serves.

For training purpose The Government of India constituted a Committee and they have submitted the report to the Union Government. The committee was as under:-

The Government of India constituted the following Committee, under the Ministry of Home Affairs Resolution No. 9/72/71-Pers.II dated the 10th November, 1971.

Hony. Chairman: Prof. M.S.GORE.

Permanent Vice-Chairman: Shri M.M.L. Hooja.

Hony. Members:-

1. **Shri G. Parthasarathi, Vice-Chancellor, Jawaharlal Nehru University, New Delhi.**
2. **Shri B. B. Lall, Advocate, Supreme Court, New Delhi.**
3. **Prof. N.S. Ramaswamy, Director, National Institute for Training in Industrial Engineering, Bombay.**
4. **Shri Asoka Sen, Joint Secretary, Ministry of Home Affairs, New Delhi.**
5. **Shri K.F.Rustamji, Director-General, Border Security Force, New Delhi.**
6. **Shri A.K.Ghosh, Director Enforcement, and Director-General of Revenue Intelligence and Investigation, New Delhi.**
7. **Shri R. Srinivasan, Deputy Commisioner, Delhi.**
8. **Shri M. Gopalan, I.G.P. Kerala.**
9. **Shri N.S.Saksena, Ex-I.G.P. Uttar Pradesh.**

Hony. Member-Secretary:

Dr. A. Gupta, Director, Bureau of Police Research & Development, New Delhi.

Terms of Reference.

The terms of reference of the Committee are as follows:

(1) The objectives which sould govern all arrangements for the training of Police Officers in the socio-economic background of the country and our value systems and the continuing impact of science and technology not only on social norms and behavior but also on the methodology of Government and its fuinctionaries;

(2) Basic short-comings in the arrangement for training of Police Officers under the Centre and in the States;

(3) Measures to be taken to bring about the desired improvement in the existing state of affairs and in particular in respect of the following points:--

- (a) Whether it is necessary to set up any more institutions for this purpose either under the Centre or in the States;
- (b) Whether it is necessary to start any new refresher/specialist courses for any one or more categories of Police Officers.
- (c) In what manner the curricula of the existing courses may be revised.
- (d) What modern aids to and methods of instruction can be usefully employed in the training of Police Officers.
- (e) What steps are necessary to improve the quality of instructors in Police Training Institutions;
- (f) What means are necessary to produce the educative literature that is necessary for this purpose; and
- (g) Improvement in the relations between the police force and the public based on mutual trust, confidence and co-operation.

(4) Educational and other qualifications prescribed for and methods of recruitment of Police officers of various ranks so that they may be able to benefit from improvement of training arrangements.

(5) Any other matter considered relevant to this subject.[1]

1.Report of the Committee on Police Training Chapter-I, p.1-3.

5.2 REPORT OF THE GORE COMMITTEE:

The Gore Committee in a very able report made a compact set of recommendations for improving the training format and syllabi of the various ranks of the police hierarchy. The committee also made well-thought-out recommendations on other complementary factors like existing personnel, organization of training, instructional methods and the instructional staff, etc. In this report an attempt is being made to review the existing training arrangements of the Sub-Inspectors and Constables who constitute the cutting edge of the police administration, and to suggest some suitable improvements and modifications.

5.3 Constables' Training as per report of Gore Committee:

Constables' Training as per Report:

Constables who constitute about eighty per cent of the total police force of the country are the most frequently visible police officers and generally the first to come in contact with the people. Members of the public form their impression of the police by the manner in which a street constable performs his duties. It is said that the British Police is popular not because the Commissioner of Police is capable and the detectives are efficient, but the constables on patrol duty are alert, active and competent and know their legal and constitutional position in society. Unfortunately in our country majority of the constables are illiterates. They constitute, as William H. Parker, an American Police Expert, put it "the Achilles' heel" of the police administration. A sample survey of the work currently done by the constables in a few States has shown that 49 per cent of their time is spent on duties which require initiative, exercise of discretion and judgment and also inter-action with the public; 37 per cent of time is spent on duties which are of similar nature but do not involve inter-action with the public and only 14 per cent on duties which are mostly mechanical in nature. The Gore committee had recommended High School examination or its equivalent as the minimum educational qualifications for recruitment of the constables both in the armed and unarmed branches. The Gore Committee's recommendation on the educational qualifications of the constables is now being accepted in most of the States of the country.

5.4 Training of the Sub-Inspectors recommended by Committee:

Like the training of the constabulary proper training of the Sub-Inspectors also is of great importance because the Sub-Inspector of Police occupies a pivotal position in the police organization. As the Officer-in-charge of the police station, he is the kingpin of all police action, preventive, detective and regulatory in his own jurisdiction. The work of a Sub-Inspector of Police is difficult and daunting and demands from the officer physical courage and stamina as well as a high degree of mental alertness. Very often in tense and fast-moving situations he has to take quick and on-the-spot decisions. In the words of Warren E. Burger, Chief Justice of the American Supreme Court, "Law Officers on the firing line often have only minutes, even seconds to make decisions that perplex experienced judges for weeks… Training of the Sub-Inspectors of Police must be intensive and thorough. The old view that in the police profession requisite experience could be gained by merely being on the job is not only fallacious but dangerous because failure of an officer to display correct initiative and discretion at a crucial stage can have far-reaching consequences.

During the cadet Sub-Inspectors should be taught the techniques of thorough and systematic investigation of cases with the assistance of scientific aids so that they develop a genuine faith in the application of scientific aids and abhorrence for extra-legal methods. Though it is gratifying to note that young officers are seeking the help of the scientific experts in an ever-increasing number of cases, some still resort to rough-and-ready methods. There are instances of young probationary S.Is. at the prodding of veteran Office-in-charge taking part in worst form of third degree methods, resulting in the death of the suspects at police stations.

In the matter of recruitment of Sub-Inspectors most of the States have accepted the recommendation of the Gore Committee that a graduate degree should be the minimum educational qualification for recruitment in the rank of Sub-Inspector in both the armed and unarmed branches of the police.

5.5 Police Instructors as per report of the Committee:

In States, the quality of instructors posted to the training centre's, by a large, is extremely poor. They have become the dumping grounds of unwilling, unteachable

and even corrupt officers. In some places, they do not get any special allowance and suffer from acute accommodation problems.

Since the success of a training centre depends almost entirely on the quality of the instructors, well-qualified in the art of teaching and motivated police officers should be posted to training centres. Before posting they should be given a potential instructor's course at the National Police Academy before they begin instructing the recruits.

Gore Committee has put it, "a ritual where unwilling and ill-equipped instructors are performing the rites of training and drilling to the unwilling trainees". No worth-while improvement in the training of the officers will be possible and training will continue to be a ritual unless capable and conscientious officers are brought in the training institutions.

5.6 Practical Training as per report of the Committee:

On completion of their basic training in the Police Training College) the duration of the training is one year in the majority of the States) the Sub-Inspectors are attached for practical training in policed stations and the offices of the Circle Inspectors that during this phase many young officers degenerate and are gradually sucked into the vortex of the Police Sub-Culture. They are advised by the police veterans to come to grips with brass tacks and follow questionable practices like keeping previous figures in view in registering cases, staging bogus encounters in dacoity infested areas, catching hold of eye-witnesses who were nowhere near the scene of crime, etc. if they want to succeed on the job. To stem this rot it is imperative for the Superintendents and Deputy Inspector-General of Police to ensure that the young probationary Sub-Inspectors (P.S.I.) are posted during this period under competent and carefully selected Sub-Inspectors and Inspectors. Those officers who take keen interest in imparting good training to the P.S.Is. Should be given proper recognition and credit. The Range Deputy Inspector General (D.I.G.) should carefully monitor the practical training programmes of the probationary Sub-Inspectors and ensure through personal meetings that the field training of the P.S.Is. Is not neglected. The range D.I.G. must meet the P.S.Is. Once in two months to test their knowledge, make enquiries relating to their personal problems and offer

necessary guidance. On such problem is the tendency of the Inspectors to use the P.S.Is frequently on law and order duties to the detriment of their training.

The basic training usually prepared an officer for the first few years of his service, but the policeman works in a changing society and to quote the words of the Royal Commission on the Police "there is nothing constant about the range and variety of police duties just as there is noting constant about the pattern of crime or the hidden trends in society that dispose men to crime." It is seen that field officers on completion of six to eight years of service tend to get narrow and cynical and require a break from departmental routine and an opportunity of reflection and readjustment of values. Refresher courses for six to eight weeks duration should be held in Police Training Colleges for S.Is. Who have completed seven to ten years of service? In the refresher courses the field officers should be acquainted with new Court rulings, new legislation and new techniques of crime investigation and the paramount need for obtaining people's co-operation in dealing with police problems.

5.7 Training in Stress Management:

The police officers in the field require another kind of training—training in stress management. It is noticed that many police officers, particularly those operating at the police station level, are not able to cope with the tremendous stress and strain and hectic pace of the police work. The stressful nature of the police work shatteringly affects the health and family lives of many officers and encourages alcoholism among them. Scores of police officers in their forties suffer from cardiac and other nervous ailments. It is necessary to impart some sort of training to our officers to familiarize them with the problems of job-related stress and techniques of stress-management.

Thus for effecting any real improvement in the police work on the ground there should be utmost stress on the training of the police personnel, particularly of the ranks which come frequently in contact with the public. However, the cardinal fact has to be borne in mind by the senior police administrators that training is an essential input, but not the only input for improving and optimizing work-performance and effecting attitudinal transformation of the officers and men. Training can be effective provided the organization has faith in it and the

organizational climate encourage the observance of precepts taught during the training. Big responsibility rests on the senior officers to build up the congenial organizational, climate.

5.8 Training Centers:

There is a central training institution known as the National Police Academy located at Hyderabad. It functions under the control of the Central Government, Ministry of Home Affairs, and Government of India. Here Indian Police Service (IPS) officers receive their initial training and advance courses. In States, there are police training colleges for officer's class and schools for the training of constabulary. In addition, there are Central detective training schools located at Calcutta, Hyderabad and Chandigarh under the control of the Bureau of Police Research and Development (BPR & D), Ministry of Home Affairs, Government of India for the training of Sub-Inspectors who come here, periodically, from all States and Union Territories.

5.9 Recruitment as per report of the Committee:

All posts from the Director General to the Assistant Superintendent of Police are held by the Indian Police Service Officers (IPS). Recruitment in the Indian Police Service (IPS) is done through the Union Public Service Commission (UPSC) and appointments regulated according to the available vacancies in the State Police Cadres and Central Police Organizations. Examinations to the IPS are held annually on all-India basis and regulated under the provisions of the All India Services Act of 1951 (Act LXI of 1951) and Rules framed regulating the recruitment, appointment, training and conditions of service.

On appointment, an IPS officer is designated as Assistant Superintendent of Police and posted to the National Police Academy (NPA) for undergoing the basic course for a period of 12 months. After passing out from the NPA they are posted to different States and Central Police Organizations where they undergo practical field training in the various functional areas of the district police administration. They remain under probation for a period of two years. The Gore Committee Report (1972) recommended the extension of the period of training of the IPS probationers from 12 months to 15 months in the NPA.

5.10 State Services:

Recruitment and appointment to the other ranks, namely, Deputy Superintendents of Police and below are State Police services regulated by the State Governments, and the rules of recruitment and appointment vary from State to State. The largest number of recruitment takes place in the rank of the constabulary which constitutes a large majority of the staff and form the foundation and base for the entire police structure. Any attempt at meaningful police efficiency has necessarily to start at this level only.

The National Police Commission recommended that much attention is needed in the recruitment of this rank, free from communal, caste and political prejudices so that they can render impartial and efficient serviced to the public.

The problem of recruitment is by no means confined to police department since virtually all professions, occupations, trades, business industries and government and semi-government agencies, at all levels, are competing for competent personnel. Police administration must engage in aggressive, responsible recruitment programme in order to meet the competition from other fields.

The police leadership should be vitally converned with: recruiting suitable people in the first instance, providing these people sufficient indoctrination and training in ways to perform their job; providing adequate supervision during job performance, and setting up a system of spot checks and controls to ensure that the personnel are performing their tasks in accordance with the polices and directives of the police leadership. The quality of the raw material used has a direct relationship to the quality of the finished product. In the police, the caliber of persons entering the profession has the greatest influence on the quality of our end product “Service to citizens”. Every police administration, whether at the Centre or in States has laid down standards for recruitment of different ranks? It has however, been noticed that the standards and rules of recruitment are frequently ignored due to various factors, the most important of them are political pressure and corruption in the process of recruitment.

We would like to point out that there is deliberate strategy of political parties injecting into the police system through channels of recruitment at different levels,

young men who are strongly committed to the ideologies of the political parties and could be expected to influence from within, the functioning of the police system to conform to these ideologies. The weeding out of such persons should receive special attention; and recourse may be taken of the provisions of Article 311(2)(b) or (c) of the Constitution, if necessary.

The Gore Committee on Police Training (1972) had given an exhaustive report with several recommendations regarding recruitment and training of different ranks in the police. To quote the report of the Committee:

"The nature of the police role in a democracy requires that the members should be selected impartially; they should be administratively competent, politically neutral, and imbued with the spirit of selfless service. A police officer enjoys vast powers under the law and exercises wide discretion. The recruitment procedures should, therefore, be so devised that they are free from political, personal or corruptive influence. The need for objectivity in selection cannot but be over-emphasized."

Training is a conscious effort to impart improve or increase knowledge land skills and to develop attitudes and values of an individual in a desired direction. It is, thus, a process of developing a person's effectiveness through carefully selected methods by competent trainers in a suitable learning climate. It should be directed not only towards preparing him for the efficient and effective performance of his duties in the assigned job but also towards developing his capacity for shouldering responsibilities and were appropriate fitting him for other duties.

5.11 Objective of Training as per report of the Committee:

Traditionally, a great deal of emphasis has been laid on the isolation of knowledge and professional skill as the twin objectives of training. While these are two are important, they do not make training complete and there is a third one that needs to be recognized. This is the objective of developing in the trainees appropriate attitudes of mind towards their work and the people they come into contact with in the discharge of their duties. This third objective required that training should relate not only to the cognitive and the combative abilities of an individual but also to his

effective responses. Training should aim at developing a trainee's total personality for the effective performance of his task.

The need for the training of police personnel has been recognized but developments during the recent past have underlined particularly the urgency of inculcating in them attitudes appropriate to their profession. The rigidly increasing political consciousness among the people and their rising expectations and the accelerating rate of change in our society have resulted in an increase in the complexity and variety of the tasks and responsibilities undertaken by Government. The technological explosion has raised standards or living, increased the life span and pace and speed of communications and thus led to problems of social and economic adjustment. The rate of change has increased to the point where the pressure of assimilating the implications must be accomplished in an incredibly short time and the individual is faced with major changes in his thinking and his attitudes not once but perhaps more than once during his life time. This coupled with the increasing size and complexity of the administration, calls for a new type of leadership. The technique of administration has moved beyond the purely pragmatic one of trial and error into a scientific discipline and a practice with an organized, over increasing body of knowledge which has its roots in science and technology and in the remarkable progress in the field of behavioral science.

5.12 Relationship between the Trainee, the Trainer and the Organization.

Learning is a complex function influenced by many factors such as the individual's motivation and capacity to learn, the norms of the training group, the training methods, the skills and ability of the trainers, the general climate of the institution, the relationship between the men and the officers in the organization and the environment in which the trainee will have to function on the job. Therefore, the effectiveness of training is determined by a combination of (a) the trainee, (b) the training system, in which the trainer plays the most important role, and (c) the organization to which the trainee will return. Any imbalance in this would offset the additional inputs given to the individual in terms of specific knowledge, skills and attitudes.

Limitations:

The expectation that training can cure all the problems of an organization is unrealistic as there are many factors that training cannot remedy. Training cannot neutralize unwise promotions or ineffective methods of work; nor can it replace intelligent supervision, favorable environmental conditions, individual willingness to accept responsibility, etc. Effectiveness of training also depends on other organizational factors such as motivation, morale in the organization, opportunities for growth and fulfillment of aspirations, recognition of merit, etc.

Time is an important factor governing the effectiveness of any training programme. There is a tendency to cover too much ground in a limited time. While a training programme whose primary object is to impart knowledge or skills can be handled in a short time, programmes which include attitudinal development in adult trainees need comprehensive planning, adequate time and intensive effort both by the instructors and the students in order to achieve a positive and lasting effect.

5.13 Training – an Investment in Human Resources.

Training does take resources but it also reproduces them manifold as it helps to improve human potential and equip the persons trained with necessary skills and attitudes to perform their functions in a more effective manner. Training should thus be considered as an investment in human resources.[1]

Training is the most important aspect for preparing efficient persons for any profession. Training has a greater importance and deeper meaning for the police force. Its importance and meaning is not restricted only to training recruits for fighting crime, it also means reorientation of the entire police force so as to enable them to meet the challenge created by the change in the nature of the Government's governance. It means the creation of peaceful atmosphere to enable economic development. The training programme has to be so designed as to bring about a basic change in the attitude of policemen. They, along with those in authority, must have a greater awareness of the socio-economic background in which they have to function.

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1. Police Manual Part-I Chapter-I.

They must also have an understanding of the tensions and problems which our value systems, and technology and its uses, are creating in our society and also all over the world.

The present training programme for police in our country is deficient and outdated in this respect. Just as no change has been brought in the organizational structure of the police force since a long time, no major improvement has been conceived for the training programme, keeping in view the need for reorientation.[1]

5.14 Existing Training in Gujarat State:

There are two types of training for the Police Force: (1) At the time of Recruitment and (2) After some period of service, that is called refresher training. The Cadre wise training provisions are as under:-

I.P.S. Cadre: After passing U.P.S.C. and before taking charge in the field they have a training of ONE YEAR at National Police Academy, Hyderabad and after passing the post-training examination I.P.S. officers are allotted the State as per Norms of Union Home Ministry. They are employees of Indian Police Service and under control of Union Government. To take actions against them the permission of Union Government is necessary.

Present Arrangement for Training for I.P.S.

Direct entrants to the I.P.S. attend a four months foundational course with the probationers of the Indian Administrative Service, the Indian Foreign Service and the Class I Central Services at the Lal Bahadur Shastri Academy of Administration (L.B.S.A.A.), Mussoorie. This is followed by a fifteen days course at the National Civil Defence College and a five days course in the detection and handling of explosives in the Chief Inspectorate of Explosives at Nagpur. Thereafter, the probationers undergo one year's training at the National Police Academy (N.P.A.) Hyderabad. This is followed by a fortnight's attachment with Army units. The probationers then report to their respective States of allotment.

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1 Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi.

The institutional training is followed by practical training in the State for one month.

There is no doubt that the best system for the training of IPS officers at the N.P.A., is the method of integrated teaching linked with concurrent field exposure to be followed by practical training in the States for one month and a final rounding off at the Academy for one month. However, if concurrent field exposure cannot be arranged because of such factors as the non-availability of facilities for the same in the vicinity of the Academy on account of its location, then the alternative would be a sandwich pattern of training. Outdoor training will have to go on during both periods at the Academy and the institutional and post-institutional training will have to be split up and inter-woven as follows:

First Leg of Training at the N.P.A.-Eight Months.

Modern India and the Role of the Police.

Police Organization.

Law.

Crime Prevention.

Crime Investigation.

Languages.

First Leg of Practical Training—Two Months One week.

Training in Police Stations (Rural and Urban).—One Month.

Attachment to the Circle Inspector/Sub Divisional Police Officer—One week.

Attachment to Prosecution Branch—One Month.

Second Leg of the Training at the N.P.A.—Seven Months.

General Administrative set up at the Centre and in the States.

Management Concepts and Techniques.

Human Behavior and Police Attitudes.

Criminology.

Enforcement of Social Legislation.

Maintenance of Order.

Traffic Control.

Security and Foreigners.

Map Reading and Plan Drawing.

First Aid and Ambulance Drill.

Motor Transport.

Wireless Communitation.

Second Leg of Practical Training—Eight Months Three weeks.

State Police Training College or I.G.P.'s office to learn local laws and language—Two months.

Station House Officer—One Month.

Attachment to Circle Inspector/Sub Divisional Police Officer—Three Weeks.

Attachment to District Police Office and District Headquarters—Three months.

Attachment to Crime Branch, State C.I.D./Intelligence Branch—One Month.

Attachment to Headquarters of Armed Police Battalion—Two weeks.

Attachment to miscellaneous non-police officers—Two weeks.

Third Leg of Training at the N.P.A.—One Month.

The sandwich pattern of training will be attended by another complication. In the case of officers posted in the Border States, the period involved in journeys will be substantial and will also entail considerable expenditure. To accommodate the journey period, it will be necessary to extend the total period of training.

Many new developments are taking place in the field of police training in foreign countries and I suggest that police officers of appropriate seniorities should be sent to advanced training institutions abroad also on a well-planned basis. Many police problems are common to all countries, though there may be differences in laws and procedures. Attending courses in academic and training institutions abroad will increase the professional knowledge and skills and widen the horizons of Indian police officers.[1]

Dy.S.P.'s – Class I officers of Sub-divisions:

After passing G.P.S.C. and appointment at the District they have a training at least ONE YEAR in Gujarat Police Academy at KARAI. On 1-5-2001 the Gujarat government has established the Gujarat Police Academy at KARAI (Gandhinagar)

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1. **Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter-II. & III.**

and for Dy.S.P.s and other officers training Centre is KARAI. After some period of service they have refresher training also for 4 to 6 weeks. After training there they have to pass Annual examination.

The objective of the probationers' course is to equip them with all such professional knowledge, skills and attitudes as will not only prepare them for the effective performance of their tasks but also for higher responsibilities. In order to enable them to guide and supervise the work of their subordinates, these officers must be thoroughly trained in the latest techniques of police work and, above all, they should be helped to develop a proper sense of values, faith in the rule of law and a spirit of public service. They should have an understanding of the socio-economic changes facing place in the State and their thinking should be in tune with the national goals and value systems and the urges and aspirations of the people.

The powers, functions and responsibilities of Deputy Superintendents being the same as those of Assistant Superintendents, the content of their basic training should be of an equally high standard and equally comprehensive. For this reason, the question of having them trained at the N.P.A. along with the I.P.S. probationers was discussed by me with the Inspector General of Police when we met them in a conference. They were not in favor of this suggestion as they felt that training Deputy Superintendents along with Assistant Superintendents at the N.P.A. would create problems and accentuate the sense of frustration already prevailing in the former because of the substantial disparities in their pay and promotion prospects. There would also be difficulties in synchronizing the training of Deputy Superintendents with that of the I.P.S. probationers since recruitment to this rank in the State is not regular. A number of witnesses also expressed the view that Deputy Superintendents should be trained at the State police training colleges as this would help in developing as spirit-de-corps among officers who have to work in the State throughout their service. I agree with this view, but would recommend that the syllabus for their training should be the same as for the I.P.S., probationers with the difference that the items relating to language training and the three weeks study-cum=cultural tour may be omitted and equitation may be included only in the State in which quest may be confined to the following items subject of management concepts and techniques may be confined to the following items to be covered in about 60 periods—

The role of a Deputy Superintendent as a supervisor and a leader; styles of supervision; the supervisory skill—its understanding, appreciation and development,

The dynamics of relationship—inter departmental, senior-subordinate and inter-personal; road blocks and gateway to communication; engineering of an agreement; techniques of communication; understanding human behavior; human needs; motivation; attitudes and self-development; recent trends in techniques of control and supervision.

I recommend further that the programme of the practical training of Deputy Superintendents should be the same as for I.P.S., officers.

A refresher course for Deputy Superintendents has been prescribed only in some States of duration of 42 days. The importance of refresher training for this rank is obvious because these officers, whether promoted or directly appointed, have to mark time in this rank for a number of years before they are promoted. Besides, their functions and responsibilities require that they should be up-to-date in their knowledge and their attitudes should be re-oriented in the light of the developing social situation. I recommend that, after an officer has put in five years service as a Deputy Superintendent after his initial training, he should attend a refresher course of eight weeks duration to be conducted at the police training academy.

Syllabus:

The N.P.A. programme for the probationers lays considerable stress on law, police science, and the use of weapons, drill and other outdoor activities. But it does not make adequate provision for sensitizing them to the changing social situation in the country and its implications for the role of the police. The growing awareness among the people of the concept of a Welfare State and their rising expectations demand that public servants should be sensitive to the people's aspirations and skilled in human relations. It is only then that they can play a promotional role. At the same time, the probationers, who are potential leaders of the force, should develop positive attitudes in police work to face the new and complex challenges of a fast changing society. In the years to come, they will be increasingly faced with the problems of legitimacy in conflict situations and required to determine the points at which public protests should be controlled. This requires familiarization with the concepts of

psychology so that situations which pose a threat to public order may be handled with understanding. They should be conscious not only of their own attitudes, problems and compulsions, but also those of others individually and collectively. In this context, the application of research in the behavioral sciences acquires a special significance in their training. A sensitive awareness of social developments and their likely repercussions on the law and order situation can help in taking timely preventive action. The officers can make an assessment of a developing situation and anticipate events if they have a probing, alert and analytical mind. Equally important for this purpose is good intelligence. They must, therefore, be so trained that, apart from what they receive from specialized agencies, they can themselves actively collect intelligence and encourage their subordinates to do so.

Another shortcoming of the present syllabus is the absence of true management concepts and techniques. Senior police officers have to look after men, money and materials. They should, therefore, have a proper understanding of the basic principles and techniques of management and decision-making. The correctness and maturity of their decisions would, in turn, depend on their analytical and conceptual skills and inter-personal understanding. The gazette officers of class-I post equipped with such knowledge and skills will be able to take decisions and manage the force under them more effectively than they can do at present.

There is need for greater emphasis in the syllabus of the Gazetted Officers' course on the preventive aspects of police work and on social defence through knowledge of the modern concepts of criminology, penology and crime prevention than is provided for at present, so that they may develop faith in the usefulness of preventive police work.

The central function of the police is 'law enforcement'. And the law is but an instrument of justice—social, economic and political. Democracy will not succeed and social justice will not become a reality unless the law reigns supreme. The Rule of Law envisages that all powers must be exercised in accordance with the law and that the law must be placed above all—even above the executive. A police officer should clearly appreciate the fact that he is an agent of the law and of the law alone. In the larger interests of the state and nation and its people, he must develop this attitude firmly.

Although efficient law enforcement by itself, is no mean achievement, yet the method of enforcement should also be such as would best serve the demand of justice and demonstrate that discretion has been exercised judiciously. While exercising this discretion or any authority conferred by the law, police officers must be conscious of their role of service to society and the need for an attitude of sympathy and consideration, particularly towards the weaker sections. The enforcement of social legislation should be made as humane and ameliorative as is possible within the bounds of the law. A constant effort should be made in the training of the probationers during their stay at the Academy to endow them with this broad and liberal perspective of law and justice.

The present phyhcial training programme has been a failure from the point of view of creating in officers a lasting interest in physical fitness. A physical fitness programme should be such as would ensure that the trainees maintain their interest in keeping fit throughout their service. This can be accomplished only if the programme lays emphasis on individual activity and development both through theoretical and practical work. Such a programme should be integrated with outdoor life and should include toughening exercises such as route marches, obstacle courses, cross-country runs, swimming and rock climbing. The entire programme should be so designed as to be both interesting and capable of progressively building up physical toughness and stamina.

The curriculum of the probationers' course has been divided under the following broad heads:-[1]

INDOOR WORK:

Modern India and the Role of the Police.
General Administrative set up and Police Organization.
Management concepts and Techniques.
Human behavior and Police Attitudes.
Law.

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1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi, Chapter VII and Bombay Police Manual Part-I. Chapter I & II.

Criminology.

Police Science.

Map Reading and Plan Drawing.

First Aid and Ambulance.

Motor Transport.

Wireless Communication.

Languages.

OUTDOOR WORK:

Physical Fitness Programme.

Drill.

Weapon Training.

Crowd Control.

Field craft and Tactics.

Equation.

Unarmed Combat.

Games.

Driving.

Swimming.

Horse Riding.

FIELD TRAINING:

It is an accepted fact that in professional training of any kind, institutional training has to be supplemented by practice and experience. This raised the question of field training for all direct recruits. It is only practical training which enables the trainees to understand the theoretical training in its proper perspective. The overall effectiveness of training further depends on the extent to which training in the institution and the fields are integrated. While practical training should be related to the formal instruction received in the institution, the latter should take note of the field conditions and seek to provide practical answers to real life problems.

A shortcoming of the present system of field training is that its success or failure depends on the availability of competent senior officers who have the knowledge, skill and ability to communicate with and motivate the trainees, besides

giving them a deeper awareness of the finer techniques of police work and the higher purposes of the administration. There is always a danger that impressionable trainees might come into contact with indifferent superiors and develop wrong attitudes and work habits. In any case, the district officer of today, unlike the district officer of yesterday, has his hands too full and responsibilities too many with the result that he cannot take an adequately deep and sustained interest in the training of probationers who are thus generally left to themselves and do not get adequate guidance or supervision. These shortcomings can be got over by involving the N.P.A., in the field training programme. This arrangement will also provide an effective mechanism of feed back with a view to bridging the gap between theory and reality and evaluating and revising the contents and methods of the training programme.

P.S.I. – Class III officers.

After due process of selection the candidates who succeed in the written and oral examination appointed as Cadet P.S.I. and they have to undergo training for at least ONE YEAR in Gujarat Police Academy at KARAI. They have a provision of refresher training also. After training of one year there is a provision of annual examination and it is compulsory to succeed in the examination.

Previously the training of Sub-Inspectors was conducted at The Police Training College, Junagadh. But from 1-5-2001 The Gujarat Government has established new Training Centre named **Gujarat Police Academy at KARAI Dist. Gandhinagar.** Now the training of Sub-Inspectors is conducted most probably at **KARAI ACADEMY** and if the strength of trainees is larger than at Police Training College, Junagadh also. The training of Sub-Inspectors at the training centre is followed by practical training in the field for 3 months. There is a course of six to eight months for Head Constables selected for promotion to the rank of Sub-Inspector.

The Sub-Inspector can exercise his powers and authority for the benefit or to the detriment of the citizen. In the matter of attitude formation, a Sub-Inspector needs the utmost attention so that all his actions may be for the larger good of the society which he serves. He should be able to identify himself with the people, appreciate their urges and expectations and develop sympathy for the weaker sections. He

should be very alert and sensitive to happenings in his area to be able to take timely action and keep the higher authorities informed of developments. He must realize that his effectiveness depends on the extent of co-operation he can win from the people. And above all, he should be honest and impartial in the discharge of his duties. Field duties in the police involve very strenuous and sustained hard work and the Sub-Inspector has to bear the major brunt of it. His training will have to keep in view the development of both mental and physical qualities to enable him to meet the very responsible tasks that lie ahead of him. Since a successful Sub-Inspector should ultimately rise to gazette rank, it is desirable that his training should also lay emphasis on developing qualities of leadership and a constructive outlook in law enforcement.

Syllabus:

The syllabus is focused on imparting knowledge and developing skills for work relating to the investigation of crime and the maintenance of law and order, including the study of laws and legal procedures, the fundamentals of social defence, and building the physical stamina required for the strenuous and hazardous nature of police work. During my visit to police training institutions I found that the stress on imparting knowledge and professional skills was unaccompanied by any systematic programme to develop the attitudes desirable for the performance of tasks in a spirit of public service in the context of the changing situation. There is urgent need to remove this shortcoming.

A Sub-Inspector has to detail the staff under him for the performance of various duties at the police station and also control and supervise their work to ensure that they perform their duties effectively within the limits of the law and to the satisfaction of the people. This is not an easy task when viewed in the context of the strenuous nature of the work, the handicaps and the working conditions of the service and the growing feelings of disrespect for the law and hostility to the authority enforcing them in various sections of the people. A Sub-Inspector has to take important decisions on the spot and, therefore, he must be given training not only in directing and supervising his subordinates but also in analyzing situations and forestalling events. Thus adequate training in supervision and leadership and certain concepts of management is essential.

The most important function of the police will always be law enforcement. To enable a Sub-Inspector to discharge this function, he must not only have a thorough knowledge of the laws but also of his legal obligations. All the same, the subject of law is so vast that it is not possible to teach the whole of it with equal emphasis within a limited period of training. The best course, it appears to me, would be to divide it into three parts:--

Laws most frequently required in police work:

While a Sub-Inspector must know the various sections which define offences and make them penal in actual practice, he has to apply only a limited number frequently. A study at a few policed stations in Gujarat with over 1,000 as the annual crime figure showed that of the 511 sections of the I.P.C. only about 90 had been applied in a year. Offences against property and person alone accounted for more than 60 per cent of the cases. There are some offences which have greater significance for the police, because of the impact they make on the people's mind, such as promoting enmity or hatred between different groups or castes or communities on grounds of religion, race, language etc. Such substantive laws and sections should be included in the first course. The examination in this course may be without books.

General and Procedural laws:

A Sub-Inspector can refer to such laws at the police station and also obtain advice from an expert where necessary. They can be included in the second course. The examination in this course may be with books.

The Indian Constitution:

A Sub-Inspector should be fully aware of the fundamental rights and freedoms guaranteed to the citizen and also of the Directive Principles of the Constitution which indicate the way society should develop and advance. In all his law enforcement functions, a Sub-Inspector has to keep these constitutional provisions upper-most in his mind and, in fact, they need to be reflected in his attitudes. He should not only know the laws relating to social reconstruction, but should also have a complete understanding of their implications for the progress of society towards its goals. The

relevant legal provisions can be included in the third course. The examination in this course may also be with books.

The need for thorough training in the techniques of investigation cannot be over-emphasized in the case of Sub-Inspectors. An adequate knowledge of forensic science and forensic medicine is important in this context. Much of the criticism against the police can be overcome if investigations are conducted quickly, systematically, thoroughly and also scientific lines. The application of scientific aids to the investigation of crime helps the investigating officer to identify the suspect and establish his connection with the crime; to clear an innocent person of crime; to discover one or more missing links or strengthen a weak link in the chain of evidence; and to verify the accuracy or otherwise of a statement made by a suspect or a witness. It may not be possible to avail the aid of science in every investigation, but it is necessary to ensure that any clues which permit the application of science are not overlooked and are carefully collected and referred to an expert. While a Sub-Inspector's knowledge and skills in this area need not be of the same order as that of an expert, he should be aware of all the aids which science can provide in the investigation of crime. He should also develop a genuine faith in forensic science as a valuable aid to investigation.

Some forms of crime are important because they are heinous or because their consequences to society are grave. He should know the ways in which these crimes are committed, how the moves of such criminals can be countered and what special methods or techniques can be adopted for detecting them.

The maintenance of order is another important subject which requires very thorough attention. This should include training in crowd control; regulation of fairs, festivals, meetings and processions; and dealing with communal, agrarian, labour, student and other agitations and the commonly used forms of protest, such as hunger strikes and gheraos. It is now an every day affair for the police to face not only peaceful mass demonstrations but also violent and politically motivated mobs. It is the handling of these situations that make or mar the reputation of the police. They call for prompt and effective action. Communal disturbances, in particular, call for very firm and determined action from the beginning. Timely preventive action can often avert a serious situation.

Timely information of incidents or developments which can take a serious turn, and of their reactions in the public, is necessary in order to assess situations and to anticipate events. This makes the task of intelligence collection very important, particularly at the ground level. Intelligence is not collected through covert sources only and this task should not be left entirely to the specialized agencies. It is essential that their efforts should be supplemented by those of the field officers. A Sub-Inspector is expected to have wide contacts. Training should develop in him intelligence consciousness of lasting nature.

A police officer is often required to face gravely provocative situations in which an ordinary individual will tend to lose his equanimity and sense of proportion. Such situations have to be handled by the Sub-Inspector personally, often without any guidance from senior officers. He should have, therefore, a good insight into the behavioral patterns of various groups in society, e.g. students, labour, landlords, industrialists, communal elements, etc., and the mental equipment required to deal with law and order problems with foresight, presence of mind and patience.

Equally delicate are the problems of security relating to VIPs, vital installations, the railways and industrial establishments, hijacking/sabotage of aircraft and subversion and espionage by foreign agents. An important feature of Democracy is the conduct of elections in a free and fair manner and a police officer has to discharge his duties in such a way that he may not be accused of any political involvement. Added to these, are the responsibilities of the police in natural calamities and serious accidents involving large numbers of people. A Sub-Inspector has to be given sufficient training to deal with such situations efficiently.

For the proper performance of his functions, a Sub-Inspector must know his place in the total scheme of the administration and how the apparatus of the State functions. If he is ignorant of the total picture, he may work in a narrow groove and, at times, at cross purposes. For proper co-operation and co-ordination, he must have a good understanding of the functioning of the various departments of Government, the central police organizations and his own organization.

Training programmes for the police, and especially that for the Sub-Inspector, must take note of the special features of urban policing. An urban population is characterized by a high degree of assertion of their civic rights and the ability to give

an articulated and even vociferous expression to its demands for economic equality and social justice. In this age of protest against any form of authority, the urbanites are more sensitive to the slowness of the bureaucratic machinery. The police have to work under the critical gaze of a community which is by and large more educated and sensitive than the rural community. Large crowds gather in no time and a threat to law and order can develop and spread like wild fire at very short notice. The existence of groups—communal, linguistic, youth and labour—has by itself a law and order potential and the presence of a large number of educated unemployed in the cities makes the situation more volatile. Professionalization and the use of ingenious devices and methods in the commission of traditional and white-collar crime, social vices, juvenile delinquency and traffic regulation are other important problems for the police in an urban situation. We have kept these special features of urban policing in mind while proposing the basic and specialized courses for police officers. Urban policing also calls for qualities such as greater alertness and quicker response. These should be developed during practical training under guided supervision.

It is a part of the duty of a Sub-Inspector to deal with dangerous criminals and situations where he runs the risk of being attacked. Therefore, training should be included in unarmed combat in the outdoor syllabus of this course.

Integrated Teaching:

Integrated teaching requires to be introduced in the Sub-Inspectors course also in order that attitude formation becomes part and parcel of the entire learning process. Increased use of various methods of instruction and audio visual aids will help to make integrated teaching effective and purposeful.

Duration and Daily Schedule:

The total period of the training of Sub-Inspectors at the police training college should be twelve months. During my visit to police training colleges, I found that there was too much emphasis on outdoor work and that conducting it in the morning fatigued the trainees to such an extent that they were unable to pay adequate attention to the indoor classes held later in the day. I suggest, therefore, that the daily schedule at the police training college should be modified on the lines of the schedule drawn up like the I.P.S. probationers' course. One period of the physical fitness programme in

the morning is necessary to freshen up the trainees and develop the habit of early rising; all other outdoor training should be conducted in the afternoon. Five periods of 40 minutes each in the forenoon may be devoted to indoor subjects. In the afternoon a period of one hour may be provided for programmes like tutorials, guest lectures and study in the library Tutorials may be organized on alternate days. The entire training programme scheduled for a particular day may be gone through at night once a month in view of the importance of night work for the police.

In the case of Sub-Inspectors the process of evaluation should be continuous, comprehensive and objective. It is expected that when the police training instructors are better qualified and have undergone the training course for instructors suggested later on in this chapter, it will be possible for them to conduct the written and practical examinations with these objects in view. For the assessment of attitudes, every instructor should maintain a separate file for each trainee in which he should record all relevant incidents relating to the trainee's day to day behaviour in the classroom and outside which come under his personal observation. Towards the close of the session, all the instructors should meet in a conference, to be presided over by the Principal, who should ascertain the views of each instructor make his assessment and award his marks.[1]

5.15 THE INSTRUCTIONAL STAFF:

Modernized training institutions and sophisticated teaching aids are important, but the success of all training programmes hingers on the instructors. The picture which has emerged from the discussions that I have had with various officers at different levels and my visits to some of the police training institutions is very discouraging. Most of the witnesses, also, have referred to the poor quality of the instructors in these institutions at present. The majority of the instructors are serving police officers without any training or experience in the art of teaching. At many places, they are not adequately educated, are either unwilling themselves or are unwanted elsewhere, and have no commitment to training. It has also been pointed to me that not infrequently older people, who are neither responsive nor willing to accept

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1. Bombay Police Manual Part-I Chapter III.

change, are posted to training institutions. Sometimes instructors stay on for an indefinite period and lose touch with police practice. In other cases, there is too rapid a turn-over of instructors, which militates against the building up of expertise in the training institutions. Frequent changes of the head of the institution, in particular, affect its prestige and characthat most of the instructors only mark time and remain impervious to the advances made in the field of instructional technology. We thus have a situation in which the men who are to motivate and guide the new entrants to the service are themselves devoid of any motivating spirit or initiative or derive.

Some advocates are also working at the training institutions as Guest Lecturers in Law classes. I have observed their quality is very poor. They have no practical knowledge of law enforcement. They are not aware by the practical problems of police force which they facing in the field. They have no filling for the hardships of police force. Most of them are selected by the favour of some police officers or politicians.

Factors Responsible:

It is possible to identify and analyze the factors responsible for the present state of affairs. One of the major reasons is, to my mind, a lack of adequate interest in training matters on the part of the authorities. The Government and senior police officers in the States are generally pre-occupied with immediate problems and the training programmes derive little inspiration from them. The problems of law and order are considered to be so demanding that the most suitable or talented officers are rarely spared for the training institutions. The attitude is non uncommon among senior officers that officers who are not likely to deliver the goods in the field should be sent to the training institutions. A posting to the training institution is also sometimes decided upon as a matter of convenience and is considered as a measure of punishment by the officer affected. Needless to say, such practices cause great damage to the entire training programme. Even if some officers adjust themselves to such postings, it is difficult to ignore the stigma or the loss of face.

The other general complaint voiced by many instructors is that once an officer is posted to a training institution, he is generally forgotten for being considered for any other attractive or suitable posting or even promotion. Last but not least, the post

of instructor holds no attraction per se. On the contrary, the officer coming from the field suddenly loses the privileges which go with executive posts. No compensation is given to him either in the form a substantial material incentive or gain in status.[1]

5.16 ROLE OF INSTRUCTORS:

A change in this situation appears to us to be most urgent and pressing. The general opinion reflected by our witnesses is that instructors for the police training institutions should be selected from the best talent available in the force. The importance of the role of the instructor is underlined by the fact that he is the first person to take charge of a new entrant and it is from him that the recruit learns the ideals, principles and practices which he will have to adopt during his life in the force. Apart from imparting vocational knowledge and skills, the instructor sets the model for the trainees, trains their minds and shapes their character and attitudes.

The instructor plays the role of a change-agent in the organization. If training is to serve the primary purpose of preparing an individual to meet the challenges of today and the complexities of the future, if training is to heap in heralding suitable changes in the organization so that it may remain a living organism, the role of the instructor as a change-agent is crucial.

The new responsibilities imposed on administrative organizations in the present age of exponential changes have had their impact on the role of the instructor. It is now widely acknowledged that the trainers in an organization have to learn to identify the training needs of the various categories of employees and to locate teaching materials and processes and prepare them for fruitful use. As a part of the research wing of the organization, the trainer has to be involved in a continuous search for better ways of teaching and for the most recent advances in his particular branch of knowledge.

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1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter-VIII.

MERITS AND SEPERATE CADRE OF INSTRUCTORS:

The need of good instructors has been met in the armed forces by two-fold action. Firstly, there is a whole branch, designated as the Education Corps, which provides all the non-professional teachers required by their training establishments. This Corps consists of scholars, including scientists, who are recruited and trained for instructional duties and devote their whole service to this work. The pay scales and other conditions of service are so designed as to attract and retain talented persons. Secondly, those posts of instructors, which have to be filled by serving officers, are considered to be prestige appointments and a successful tenure as an instructor is a feather in the cap of a serving officer and is taken into consideration in selection for promotion.

For training purpose it is recommended that indoor instructors in the police training colleges and academy should not be below the rank of a Deputy Superintendent and Inspector respectively. In order to attract the best talent for the instructional staff, it is necessary to ensure that postings to the training institutions are not made a matter of convenience. Suitable officers properly selected, should be kept in view for such postings; only then will these postings be considered a matter of pride. The actual postings should be so arranged that there is at least a month's overlap between the arrival of a new instructor and his predecessor's departure.[1]

5.17 INCENTIVES AND FACILITIES:

In addition, steps should be taken to provide adequate incentives so that posting to a training institution is desired and not shunned as at present. All the witnesses and respondents have been unanimous on this point. Having considered the various suggestions made to me, I recommend that the instructional staff should be entitled to rent free accommodation, special pay and/or rank promotion, schooling facilities for children and recognition by way of promotion, good postings and rewards. I have been told that rank promotion would be more attractive to the

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1. Report of the Committee on Police Training by Ministry of Home Affairs, Govt. of India, New Delhi. Chapter XIII and XIV.

subordinate ranks than special pay. Officers who are in the approved lists for promotion could, therefore, be given accelerated promotion and posted to training institutions.

An exchange of ideas between colleagues is always conducive to better understanding and advancement of knowledge and skills. The instructional staff of the training institutions should, therefore, be encouraged to visit similar institutions in other States.

The Instructor; Essential Qualifications:

The first and most essential requirement of a good instructor is that he should have adequate professional knowledge and experience of the subject which he is to teach along with sincerity and enthusiasm for the job. He has to deal with the most sensitive material in existence, namely, human personality. For the young and impressionable trainees, the instructor's devotion to duty and enthusiasm should be catching. A good teacher must have a well-balanced personality and an even disposition. His bearing and appearance should display abundant self confidence and vitality. Only then will he have the force of character sufficient to mould the character and attitudes of the trainees who come to the training institution as adults.

5.18 SELECTION OF INSTRUCTORS:

In order to get the right kind of persons, it is necessary to select the prospective instructors with great care. One method of selection would be 'talent spotting'. The heads of the police training institutions should be on the look out in every course for officers with instructional aptitude and potential and suitable entries should be made in the annual confidential rolls of officers considered likely to make good instructors. Simultaneously, applications should be invited from officers for posts on the instructional staff and the best persons should be selected through interviews out of those who volunteer.

5.19 TRAINING OF TRAINERS:

The officers so selected will have to be given a strong theoretical grounding in the philosophy of education, the various sociological factors which have a bearing on the educational attainment of individuals and the psychological elements which

determine an individual's perception and motivation towards learning before they are assigne to instructional work. They will also have to develop effective leadership abilities and skills essential in the art of teaching. They must know the mechanism of the various processes of instruction such as preparation, presentation, discussion and review. Preparing a detailed lesson-plan will have to be an article of faith with them. In order that their knowledge and skills can be transmitted to the trainees, they will have to develop the necessary communication skills, which implies that they should be conversant with the various methods of instruction and those most appropriate for particular subject. It would also be necessary for them to know the integrated or concentric method of teaching. In order to enable them to make effective use of the various methods of instruction and audio-visual aids, they should be provided with opportunities to become proficient in their use.

It is essential for instructors to learn to evaluate the performance of their trainees, which will also enable them to know how effective or otherwise their instruction has proved to be. In this process, it will be necessary for them not only to assess the acquisition of knowledge by the trainees, but also to evolve techniques for assessing attitudes and values.

Evaluation of Instructors:

All training programmes must have a system of evaluation of instructors. The trainer must evolve a method of receiving feed-back from his trainees and, wherever possible, an assessment from his colleagues. The trainer should also have the capacity to evaluate his own performance by judging the reactions of his trainees and through the results of the various tests held by him from time to time. The responsibility for evaluating the effectiveness of an individual instructor should, however, mainly be that of the head of the training institution. It would be necessary for the latter to discuss with each instructor the subject to be taught by him, the preparation he has made, the methodology he proposes to adopt in the teaching process that he has planned. It would also be useful if he occasionally visits the class rooms to feel for himself the reactions of the trainees to different instructors.[1]

1**. Police Training by Giriraj Shah, IPS (Retd.) Ex-Inspector General of Police (U.P.) Volume-I.**

5.20 IMPORTANT CRIMINAL LAWS TO TEACH:

A police officer has to deal with so many criminal laws. Following are the main important criminal laws:

(1) INDIAN PENAL CODE, 1860.
(2) CRIMINAL PROCEDURE CODE, 1973.
(3) BOMBAY POLICE ACT, 1951.
(4) BOMBAY PROHIBITION ACT, 1949.
(5) THE ARMS ACT, 1959.
(6) THE PREVENTION OF GAMBLING ACT, 1887.
(7) THE NARCOTIC DRUGS AND PSYCHOTROPHIC SUBSTANCE ACT, 1985.
(8) BOMBAY ANIMAL PRESERVATION ACT, 1954.
(9) ANIMALS AND BIRDS SACRIFICES (PROHIBITION) ACT, 1972. (GUJARAT)
(10) AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.
(11) ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958.
(12) ANCIENT MONUMENTS PRESERVATION ACT, 1904.
(13) ANTIQUITIES AND ART TREASURES ACT, 1972.
(14) ANTI-HIJACKING ACT, 1982.
(15) ARMY ACT, 1950.
(16) BENAMI TRANSACTION (PROHIBITION) ACT, 1988.
(17) BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976.
(18) CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995.
(19) CENTRAL VIGILANCE COMMISSION ACT, 2003.
(20) CHITS FUNDS ACT, 1982.
(21) CATTLE TRESSPASS ACT, 1871.
(22) CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003.

(23) CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) RULES, 2004.

(24) PROHIBITION ON SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS AROUND EDUCATIONAL INSTITUTION RULES, 2004.

(25) CIGARETTES AND OTHER TOBACCO PRODUCTS (PACKAGING AND LABELING) RULES, 2008.

(26) CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986.

(27) CHILD LABOUR (PROHIBITION AND REGULATION) (GUJARAT) RULES, 1994.

(28) CINEMATOGRAPH ACT, 1952.

(29) CITIZENSHIP ACT, 1955.

(30) COMMISSIONS OF INQUIRY ACT, 1952.

(31) COMMISSION OF SATI (PREVENTION) ACT, 1987.

(32) COMMISSION OF SATI (PREVENTION) RULES, 1988.

(33) CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES ACT, 1974.

(34) CONTEMPT OF COURTS ACT, 1971.

(35) COPYRIGHT ACT, 1957.

(36) CREDIT INFORMATION COMPANIES (REGULATION) ACT 2005.

(37) CRIMINAL LAW AMENDMENT ACT, 1908.

(38) CRIMINAL LAW AMENDMENT ACT, 1932.

(39) CRIMINAL LAW AMENDMENT ACT, 1938.

(40) CRIMINAL LAW AMENDMENT ACT, 1961.

(41) CRIMINAL LAW AMENDMENT (AMENDING) ACT, 1966.

(42) CRIMINAL LAW AMENDMENT ORDINANCE, 1944.

(43) CRIMINAL LAW AMENDMENT ORDINANCE, 1946.

(44) CUSTOMS ACT, 1962.

(45) DANGEROUS MACHINES (REGULATION) ACT, 1983.

(46) DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) ACT, 1972.

(47) DEPOSITORIES ACT, 1996.

(48) DOWRY PROHIBITION ACT, 1961.

(49) DOWRY PROHIBITION (MAINTENANCE OF LISTS OF PRESENT TO BRIDE AND BRIDEGROOM) RULES, 1985.

(50) DRAMATIC PERFORMANCES ACT, 1876.

(51) DRUGS AND COSMETICS ACT, 1940.

(52) DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954.

(54) DRUGS (CONTROL) ACT, 1950.

(55) ELECTRICITY ACT, 2003.

(56) EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950.

(57) EMIGRATION ACT, 1983.

(58) ENVIRONMENT (PROTECTION) ACT, 1986.

(59) ESSENTIAL COMMODITIES ACT, 1955.

(60) ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) ACT, 1981.

(61) ESSENTIAL SERVICES MAINTENANCE ACT, 1981.

(62) EXPLOSIVES ACT, 1884.

(63) EXPLOLSIVE SUBSTANCES ACT, 1908.

(64) EXTRADITION ACT, 1962.

(65) FATAL ACCIDENTS ACT 1855.

(66) FOOD SAFETY AND STANDARDS ACT, 2006.

(67) FOREIGNERS ACT, 1946.

(68) FOREIGNERS ORDER, 1948.

(69) FOREIGN EXCHANGE MANAGEMENT ACT, 1999.

(70) FOREST ACT, 1927.

(71) FOREST (CONSEVATION) ACT, 1980.

(72) FORWARD CONTRACTS (REGULATION)ACT, 1952.

(73) FREEDOM OF RELIGION ACT, 2003 (GUJARAT)

(74) FREEDOM OF RELIGION RULES, 2008 (GUJARAT)

(75) GENERAL CLAUSES ACT, 1897.

(76) HABITUAL OFFENDERS ACT, 1959 (BOMBAY)

(77) IDENTIFICATION OF PRISONERS ACT, 1920.

(78) IMMORAL TRAFFIC (PREVENTION) ACT, 1956.

(79) INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986.

(80) THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) RULES, 1986.

(81) INFANT MILK SUBSTITUTES, FEEDING BOTTLES AND INFANT FOODS (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 1992.

(82) INFLAMMABLE SUBSTANCES ACT, 1952.

(83) INFORMATION TECHNOLOGY ACT, 2000.

(84) THE INFORMATION TECHNOLOGY (AMENDMENT) ACT, 2008 (W.E.F.27-10-2009).

(85) JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.

(86) LOTTERIES (REGULATION) ACT, 1998.

(87) MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007.

(88) MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZEN RULES, 2009 (GUJARAT).

(89) MEDICAL COUNCIL ACT, 1967 (GUJARAT).

(90) MEDICAL PRACTITIONERS ACT, 1963 (GUJARAT).

(91) MEDICAL TERMINATION OF PREGNANCY ACT, 1971.

(92) MEDICAL TERMINATION OF PREGNANCY RULES, 2003.

(93) MENTAL HEALTH ACT, 1987.

(94) MONEY-LENDERS ACT, 1946 (BOMBAY).

(95) MOTOR VEHICLES ACT, 1988.

(96) MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT, 1986.

(97) NATIONAL SECURITY, 1980.

(98) NEGOTIABLE INSTRUMENT ACT, 1881.

(99) OATHS ACT, 1969.

(100) OFFICIAL SECRET ACT, 1923.
(101) PASSPORT (ENTRY INTO INDIA) ACT, 1920.
(102) PASSPORT ACT, 1967.
(103) PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991.
(104) POISONS ACT, 1919.
(105) POLICE FORCES (RESTRICTION OF RIGHTS) ACT, 1966.
(106) POLICE (INCITEMENT TO DISAFFECTION) ACT, 1922.
(107) PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994.
(108) PRESS AND REGISTRATION OF BOOKS ACT, 1867.
(109) PREVENTION OF ANTI-SOCIAL ACTIVITIES ACT, 1985 (PASA).
(110) PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980.
(111) PREVENTION OF CORRUPTION ACT, 1988.
(112) PREVENTION TO CRUELTY TO ANIMALS ACT, 1960.
(113) PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984.
(114) THE PREVENTION OF FOOD ADULTERATION ACT, 1954.
(115) PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1988.
(116) PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971.
(117) PREVENTION OF SEDITIOUS MEETINGS ACT, 1911.
(118) PREVENTION OF TERRORISM ACT 2002.
(119) PREVENTION OF TERRORISM (REPEAL) ACT, 2004.
(120) PRISONERS ACT, 1910.
(121) PRISONERS (ATTENDANCE IN COURTS) ACT, 1955.
(122) PRISONS ACT, 1894.
(123) PRIVATE SECURITY AGENCY (REGULATION) ACT, 2005.
(124) PRIZE CHITS AND MONEY CIRCULATION SCHEMES (BANNING) ACT, 1978.
(125) PROBATION OF OFFENDERS ACT, 1958.
(126) PROHIBITION OF CHILD MARRIAGE ACT, 2006.
(127) PROHIBITION OF CHILD MARRIAGE RULES, 2008 (GUJARAT).
(128) PROTECTION OF CIVIL RIGHTS ACT, 1955.

(129) PROTECTION OF HUMAN RIGHTS ACT, 1993.

(130) PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.

(131) PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE RULES, 2006.

(132) PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1971.

(133) PUBLIC SERVANTS (INQUIRIES) ACT, 1850.

(134) RAILWAYS ACT, 1989.

(135) RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT, 1966.

(136) RAILWAY PROTECTION FORCE ACT, 1957.

(137) REGISTRATION OF FOREIGNERS ACT, 1939.

(138) RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988.

(139) REPATRIATION OF PRISONERS ACT, 2003.

(140) REGISTRATION OF MARRIAGE ACT. 2006 (GUJARAT).

(141) REGISTRATION OF MARRIAGE RULES, 2006 (GUJARAT).

(142) REPRESENTATION OF THE PEOPLE ACT, 1951.

(143) RIGHT TO INFORMATION ACT, 2005.

(144) SAURASHTRA FELLING OF TREES (INFLICTION OF PUNISHMENT) ACT, 1951.

(145) SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATTROCITIES) ACT, 1989.

(146) SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITIES INTEREST ACT, 2002.

(147) SMALL COINS (OFFENCES) ACT, 1971.

(148) SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976.

(149) SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (RECEIPT, MANAGEMENT AND DISPOSAL OF FORFEITED PROPERTY) RULES, 2006.

(150) SPECIAL COURTS ACT, 1979.

(151) SPECIAL PROTECTION GROUP ACT, 1988.

(152) STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1985.

(153) STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT, 2005.

(154) SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002.

(155) TELEGRAPH ACT, 1885.

(156) TELEGRAPH WIRE (UNLAWFUL POSSESSION) ACT, 1950.

(157) TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1984.

(158) TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987.

(159) TRADEMARKS ACT, 1999.

(160) TRANSFER OF PRISONERS ACT, 1950.

(161) TRANSPLANTATION OF HUMAN ORGANS ACT, 1994.

(162) TREASURE-TROVE ACT, 1878.

(163) UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967.

(164) THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2008.

(165) WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974.

(166) WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) ACT, 2005.

(167) WILD LIFE PROTECTION ACT, 1972.

(168) WIRELESS TELEGRAPHY ACT, 1933.

(169) VILLAGE POLICE ACT, 1867. (BOMBAY)

(170) YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956.

5.21 BOOKS:

As mentioned in Bombay Police Manual Part-I the provision of Rule-97 is as under:-

Rule-97. Books:

(1) Probationary Deputy Superintendents of Police and Assistant Superintendents of Police will provide themselves with all books required for their training.

(2) Directly appointed Inspectors must provide themselves with all the books required for their training at their own expense.

(3) Sub-Inspector students will be provided at Government expense with the necessary books either in English or in regional language required for their training. Books supplied at Government expense must be returned by every student before leaving the school.

(4) Head Constable students will take with them to the School the Police Guide supplied to them in their districts.

As mentioned in above said Rule 97(3) it is the duty of Government to provide the books to Sub-Inspector students but sorry to say that the books are not provided from the training institute library to all the students because all the books in sufficient quantity are not available at the training institute and it is the duty of government to fulfill this requirement.

5.22 Courses arranged in State Training Institutions:

The police training institutions in the State shall run the following courses:--

(1) Basic course for directly recruited Sub-Inspector--one year.

(2) Refresher courses for Sub-Inspectors and Inspectors—eight to ten weeks.

(3) Courses on crowd control for Sub-Inspectors, Inspectors and Deputy Superintendents—six to eight weeks.

(4) Courses on the investigation of fraud, embezzlement, organized rackets and economic offences for Sub-Inspectors, Inspectors and Deputy Superintendents—six to eight weeks.

(5) Courses on the role of the police in dealing with juvenile delinquency for Sub-Inspectors, Inspectors and Deputy Superintendents—four weeks.

(6) Courses on police—community relations for Sub-Inspectors, Inspectors and Deputy Superintendents—two weeks.

(7) Courses for Constables-eight months.

(8) Courses for Head Constables/Assistant Sub Inspectors selected for promotion to the rank of Sub-Inspector—six months for Head Constables and three months for Assistant Sub-Inspectors.

(9) Course for Sub-Inspectors selected for promotion to the rank of Inspector—six to eight weeks.

(10) Basic course for Assistant Police Prosecutors—six months.

(11) Refresher course for Assistant Police Prosecutors—six to eight weeks.

(12) Basic course for directly recruited Deputy Superintendents—one year.

(13) Refresher course for Deputy Superintendents—eight weeks.

(14) Course for Inspectors selected for promotion to the rank of Deputy Superintendent—ten weeks.

The exact workload of each police training institution will have to be worked out by the State on the basis of the present sanctioned strength of its police force and the plans, if any, for expansion in the near future; but it is obvious that it will be considerably heavier than the present workload and it will be necessary to expand the existing facilities and staff in practically all the police training institutions.

Organizational Climate:

The instructor's contribution to the organization is by its very nature not overtly seen and is intangible. However proficient he may be in his techniques, the development of the trainees as a result of his sincere and hard labour will ultimately depend on the organizational climate. The comparative absence of training consciousness in the police organization can prove to be a major inhibiting factor in the effectiveness of the instructional staff. It is necessary, therefore that the senior officers should display faith and belief in and extend their whole-hearted support to

the process of training so that the job of the instructor may not remain as unrewarding as it tends to be.[1]

LOCATION:

I believe that the location of a training institution is of great consequence. The evidence laid before me suggests that a police training institution should be located in or near a city with a university and well connected by rail, road and air communications to facilitate external contacts. Such a location alone can ensure that the trainees are exposed to real life problems relating to crime, crowd and traffic control and law and order during their training, that there is a ready availability of scholars for imparting instruction in subjects like sociology, psychology, current affairs etc. and that there is no difficulty in getting eminent persons to the institution as guest lecturers. Not many of our existing police training institutions meet this criterion. Particularly Gujarat Police Academy do not meet this criterion.

Army Campus, Campus of Home-guards is located in the middle of State Capital at Gandhinagar. Previously the Gujarat Police Training College, Junagadh was the biggest training institute for Police Officers in the State. But from 2001 State Government started Sardar Patel Police Academy at Gandhinagar. 10 years has been passed but even today there is no approach road to reach at the Academy. Infrastructure is very poor. Government has not developed this institute as it must be. No sufficient boarding facilities for officers. The space is 60% less than the space situated at Junagadh Training Centre.

Physical facilities:

A major shortcoming of several of the existing police training institutions is insufficient accommodation. Many institutions do not have regular class-room facilities for the trainees. I have seen classes being held in the open air under the trees for want of any other alternative. Most of them do not have an auditorium or a meeting hall. All these deficiencies are due to the fact that many of the training institutions have been accommodated in and hoc fashion in buildings constructed for

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1. Police Manual Part-I Chapter III.

altogether different purposes e.g. old forts or temporary army lines etc. A few institutions do not have adequate playgrounds. Swimming pools have been provided in all training institutions. The furniture provided in the class-rooms, barracks, hostels and recreation rooms is generally inadequate and unsuitable. Library facilities are meager, where provided and are often accommodated in make-shift arrangements. The annual budget grant for the library is very less. Most police training institutions have no hospital facilities. Where a separate hospital is not available for a training institution, patients are treated in the nearby city hospitals. A few of the institutions engaged doctors. In all the institutions the trainees bear either wholly or partly the cost of the cooking utensils of their messes. In a majority of these institutions, the trainees have to pay for the services of washer men and cob- blers as also for electricity.

Need of Research Cell:

I have been struck by the total absence of any research facilities in our police training institutions. The inadequacy of educative literature. The inevitable result has been that all police training is based on old ideas and practices and the limited experiences of individual members of the instructional staff even while conditions relating to and around police work have been changing fast. In order that the police training institutions remain intellectually vibrant and up-to-date in their knowledge of police problems, research should be considered to be one of their basis functions. While fundamental research may be undertaken mostly by the State police research units, the training institution should also undertake a certain amount of applied research through its instructional staff so that the hiatus between theoretical training and practical police work may be eliminated as far as possible. Research is a vehicle through which the trainers take note of the administrative reality and attempt to provide answers to real life problems. I recommend, therefore, that every police training institution should have a separate cell under a competent instructor for this purpose. In taking up research work along with training assignments, the trainers improve both their competence and credibility. They improvise and adapt techniques and practices which lead to improvement in training. Realistic programmes and competent trainers will together ensure greater trainee participation and effectiveness of the training process.

While the field research is vast, it involves considerable commitment of resources and is a time-consuming process. It would suffice, therefore, for the present, if these research cells confine themselves to problems in the training field for which satisfactory answers have yet to be found, such as the identification of training needs; the proportion between theoretical and practical periods of instruction in a training programme and the proper sequence in which they should be arranged; determining the suitability and effectiveness of various training methods for different instructional purposes, keeping in view the knowledge to be conveyed, the level of the students, the capability of the trainer and the relative costs and benefits of various training methods; development of training material, since the lack of this is a major limiting factor in the qualitative improvement of training programmes; and evaluation of the results of training to determine the extent to which the desired objectives have been fulfilled and the areas in which there is room for further improvement. This research work could be undertaken under the guidance of the Inspector General/Deputy Inspector General, Training.

Training Reserves:

I have been told that it is not always possible to fill up all the seats in even the limited number of courses that are available either because officers are generally unwilling to be deputed to such courses or because the administrative authorities feel that they cannot be spread. This question is connected with the consciousness of the importance of training at all levels. If the system established is such that the administrative officers concerned as well as the officers selected to attend courses of different kinds feel that the training proposed has a useful purpose to serve, there should be no difficulty of this kind.

I recommend further as follows:-

An officer deputed to a course, the duration of which does not exceed three months, should not be liable to transfer from the post from which he is deputed to the course. The availability of the training reserve should help to provide a temporary substitute a to look after his work during his absence. This, of course, would not apply to officers deputed to courses, the successful conclusion of which is accompanied by rank promotion.

Officers deputed to courses should be entitled to a compensatory allowance to enable them to meet their incidental and other expenses.

The course that an officer has attended and his performance therein should be taken fully into account in all selections and promotion.

The selection of officers for attending courses should not be a mere casual exercise and should be related to considerations of career planning, the merits of the various officers in the field of selection and their qualifications and experience from the point of view of their capacity to benefit from the proposed course.

PRACTICAL TRAINING:

The practical training programmes of Sub-Inspectors in- clued attachment to a police station, to learn the duties performed by police officers of different ranks, and the prosecution branch. The probationers are attached to the district police office and the reserve police lines also in some places. The responsibility for the practical training of Sub-Inspectors during their attachment to a police station should vest in the officer in charge and the Circle Inspector concerned, who should be carefully selected for this purpose. Officers who have imparted good training should be given due credit and an entry should be made in their service rolls stating the names of the probtationers trained.

I recommend that there should be an Inspector General/Deputy Inspector General of Police, Training, along with a certain number of Deputy Superintendents of Police, Training, in each institution in order to ensure that the training of police officers receives adequate attention. The probationary Sub-Inspectors should submit a weekly work diary to the Deputy Superintendent, Training, through the officer under whom they are posted indicating the work on which they were engaged, what they learnt during the course of each day of the week and the difficulties experienced by them. While scrutinizing the weekly diary, the officers concerned should see whether the probationers have mentioned all the items of work which they were expected to learn during any particular period of attachment. The items of work not mentioned should be pointed out and the probationers asked to cover them in their subsequent reports. The Deputy Superintendent, Training, should meet the probationers once a month and test their knowledge make enquiries relating to their

personal life, accommodation and other problems and give necessary guidance. He should also ensure that the probationers are introduced into circles where they can widen their public contacts and develop an outlook of service to the people. He should submit monthly progress reports on the probationers to the Superintendent of Police with a copy to the Inspector General/Deputy Inspector General, Training. The later should visit the districts once a year and make an assessment on the basis of the progress reports and interviews of the probationers. In the case of probationers found below standard, he should recommend the termination of services or the extension of the period of probation as merited. The evaluation report of the Inspector General/Deputy Inspector General, Training, should be filed in the probationer's personal record.

Inspecting officers, including the range Deputy Inspector General, should meet the probationers as frequently as possible to assess their progress. The remarks of these officers about the progress of the probationers should be communicated to the Inspector General/Deputy Inspector General, Training.

Refresher Training:

Basic training prepares an officer for the performance of his job during the first five years or so. The environment in which a police officer has to function undergoes changes with the passage of time and there are usually corresponding changes in the nature of the job to be performed by him. This calls for refresher training. The need for such training is enhanced by the progress in science and technology which makes newer methods and techniques available for application to police work. Moreover, because of its very nature, police work results in the development of narrow and cynical outlook over a period of time. Refresher training provides a break from departmental routine and an opportunity for study, reflection and a readjustment of attitudes and values. A refresher course of six to eight weeks duration in the police training college which should lay emphasis on investigation, with particular reference to specialized or organized crime, his role in the prevailing context, the attitudes desirable, leadership and supervision. The course will have to acquaint the trainees with new legislation, important rulings and new techniques and methods of crime prevention and investigation promulgated/developed since their basic training. It will emphasize the need for obtaining the people's cooperation in

dealing with police problems and draw attention to the new dimensions given to police work in the context of the social defence programmes of the state and country.

Specialized Courses:

It is necessary to organize the following courses for Sub-Inspectors in the police training colleges to provide intensive orientation in certain important areas and functional aspects of police work:--

A six to eight weeks course on crowd control:

Instructions would be given on preventive measures, including the collection of intelligence to forestall a law and order situation; measures for countering rumors and panic; utilizing voluntary agencies and citizens' bodies; use of the latest methods of and equipment for crowd control; human psychology and behavior with particular reference to various groups such as students, labour, etc; importance of the control room, communications, transport and the internal security schemes; deployment of manpower; arrangements for dealing with specific situations; arrest of ring leaders and known bad characters; identification of accused persons; investigation of riot cases and the role of the Home Guards, the Magistracy and the Army in aid of the civil power.

A six to eight weeks course on the investigation of fraud, embezzlement, organized rackets and economic offences. Such offences are rapidly on the increase and have a great impact on the socio-economic conditions in the present context and would require more and more attention by the State police in future. A detailed syllabus for this course may be prepared by the Central Bureau of Investigation.

A two weeks course in police community relations. The object of this course would be to enable police officers to assess their role in an increasingly complex society; to create a better recognition of the presence of other agencies interested in the welfare of the community and to encourage their co-operation in police work; to enable a better appreciation and assessment of the causes and factors that lead to the peoples' dissatisfaction with police; to explore ways and means of promoting a closer relationship between the police and the people and obtaining public support in police work; and, above all, to acquire a clear understanding of the need and importance of

the functioning of the police within the legal framework and in keeping with the growing aspirations and expectations of the people.

A course of fourteen weeks duration in Advanced Scientific Methods of Crime Investigation is run at the Central Detective Training School (C.D.T.S.) at Calcutta and Hyderabad for Sub-Inspectors and Inspectors. This is a well designed course to improve the standards and methods of investigation. The States should take the fullest advantage of this course. I recommend the opening of a few more C.D.T.Ss. to facilitate this.

These courses will be useful for Inspectors and Deputy Superintendents also.

Constables:

The appointment of this cadre is at range level. After appointment they have a training of at least EIGHT MONTHS at Police Training College, Junagadh OR Police Training School, Vadodara. They have a provision of refresher training also.

State Reserve Police Force:

There is a provision of State Reserve Police Force and they have a training period of like time as State Police in several cadres. S.R.P.Training Centre, CHOWKI (Junagadh) is the main centre for their training.

Training of Constables:

Present Arrangement:

Constables are trained in the police training schools in the State. Gujarat State has their own training schools for Constables. The duration of this basic training is eight months.

A constable is the most frequently seen police officer and generally the first to come in contact with the public. Though turn out and smartness impress, the people, by and large, judge a Constable by his behavior and the extent to which his attitude is helpful or otherwise. This applies in particular to the non-affluent sections to whom the Constable is the visible symbol of authority and who expect him to use it for safeguarding their rights and rendering them assistance in the solution of their problems. The Constable's powers of arrest, even though limited, give him large

scope for the use of his authority. His training should, therefore, concentrate on imparting professional skills and developing his abilities and attitudes in a manner which will enable him to discharge his functions effectively. It will also be necessary to make him physically fit to cope with the rigors of the service.

The syllabi of the basic courses for Constables show that, by and large, they lay stress on crime prevention, assistance in the investigation of crime and maintenance of law and order, drill, discipline and smartness, and building physical stamina. First aid, general knowledge and the principles of police conduct are included in all these syllabi. Elementary knowledge of the Constitution is imparted in the course.

Maximum attention should be paid in the training of a Constable to his behavior and attitude towards the common man. The need for courtesy, humour and impartiality, a constant awareness of the rights of the citizen and of the constraints under which a Constable has to function, and a high sense of duty and service to the people have to be emphasized.

A constable is required to deal with individuals as well as groups of people. He has to face large crowds, with different affiliations and motivations, which may be angry, frustrated, peaceful or violent. He should, therefore, have some understanding of human behavior and the attitudes appropriate for dealing with different types of people and situations. Students and organized labour, in particular, need to be handled with maximum patience and tact.

There is need to develop in a Constable the attitude that, instead of looking at his work as a task to be performed mechanically, he should have a feeling of involvement in the larger purpose of police work. He must, therefore, know the "why and how" of his duties as related to different situations he may have to face and the laws he has to enforce. Only then can he derive greater job satisfaction. It would be useful to bring out the purpose behind various legal provisions, and social legislation in particular, in order to impart a better understanding of the attitudes that are required in a Constable while exercising his legal powers. Greater use of audio-visual aids, demonstrations, practical exercises, discussions and role plays would facilitate the attainment of this objective. What has been stated with respect to the training of Sub-Inspectors applies equally to Constables.

The physical fitness programme recommended by us for the higher ranks should be introduced in the police training schools as well. Training in unarmed combat is even more essential for Constables. They should also be able to ride a motor-cycle and know how to use the electronic devices. Based on the above considerations, a revised syllabus for a nine months basic course for Constables has been framed and is attached at the end of this topic.

Daily Schedule:

As for senior ranks, the daily programme of training of Constables should begin with a period devoted to physical fitness. All other outdoor training and tutorials should be conducted in the afternoon. Sometime should be made available in the evening for study in the library. In view of the importance of night work for the police the entire training programme for a particular day may be conducted at night once each month.

Evaluation:

In order to assess what the trainees have learnt, examination and/or tests should be conducted from time to time throughout the course. The first examination may be held three months after the beginning of the course in order to grade the class into homogeneous groups and final examination at the end of the course. In addition, periodical tests during the course would ensure assimilation of the instructions by the trainees, assist the instructors to measure the extent of revision necessary, keep the tempo of the course high and the interest of the trainees alive and make sure that they study the subjects from day to day instead of postponing it to the time of the last examination. Apart from these examinations and periodical tests, which could be either oral or written, there should be practical exercises to test the trainees' skills.

Practical Training:

There is no system of imparting practical training to Constables. There should be a practical training to Constables for six months at a police station under the supervision of the officer in charge. A constable should be on practical training for a period of six months in a police station where he should first be given duties which can be performed in the company of other trained Constables, such as patrols, sentry,

escorts etc. Later, he should accompany them on duties which are performed individually like process serving, fixed post or nakabandi etc. This period of attachment to senior constables should last for four months and thereafter he should be required to do every phase of his work independently for the remaining two months. He should allot beat work, arrest and wireless service of processes, accompanying investigating officers, preservation of scene of crime, day and night patrolling and surveillance, should be sufficient. The trainee should, in the first phase, accompany experienced and selected men and thereafter he should perform these duties independently. A Constable should be taken along by investigating officers when witnesses are put up in court so that he may get a practical ides of how evidence is given.

The object of practical training is to enable the recruits to apply the instructions they have imbibed at the school. The Constables are the eyes and ears of the officer in charge and his main working instruments. They have often to act independently as law enforcement officers, particularly in matters relating to suspicious characters or property, and to develop the capacity to observe and judge men not only in the prevention and detection of crime but even while dealing with crowds or law and order problems. Training the senses to spot suspects or suspicious property during beat or bazaar duty or night patrolling by itself takes a long time. Practical training has, therefore, to be very thorough and should be so arranged that from the very beginning of their service, the recruits learn to apply their minds and use initiative. There should be emphasis on night work and the training should include an attachment to social service institutions, wherever they exist, for about two hours a week.

A system of maintaining observation note books, in which a Constable records all the observations made by him daily at the close of the day, is in vogue in some places. Much can be achieved in training a Constable to apply his mind to his work intelligently by encouraging and guiding him to make meaningful entries in his note book. This should be a part of practical training so that it becomes a regular habit with every Constable.

To cover all these items of practical work, we have suggested a six months field training programme as detailed as under:-

PRACTICAL TRAINING OF CONSTABLES—(6 months)

First Month—Attachment to a police station to learn routine duties, such as sentry, escort and picket, Special attention should be given to the maintenance of the duty roster, the general diary and other police station records and returns, the accounts work of the police station, including the preparation of T.A.BILLS and the use of the Police and Criminal Intelligence Gazettes. The Constables should attend the morning parades and kit inspection and acquire knowledge about local criminals.

Second and Third Months—Special attention should be given to preventive work, such as patrolling, beat duty, surveillance and Naka Bandi by day and night. The need for developing police-public relations, helping persons in need and dealing with juveniles with sympathy should be emphasized. Training should be given in developing contacts in haunts of bad characters, gambling dens and brothels for the collection of criminal intelligence. Memory and observation training should be given in order to develop the capacity to detect wanted or habitual criminals from their descriptive rolls or photographs.

Fourth Month—The constables should be required to accompany investigating officers to learn duties relating to the preservation of scenes of crimes, searches, seizures, arrests and raids. They should be told how criminal records at the police station and in the M.O.B. are used for the detection of crime and the location of criminals.

Fifth and Sixth Months—Attachment to an urban police station for being made familiar with problems of urban policing with particular stress on duties relating to beat, and law and order. The Constables should be acquainted, under close superivision, with the management of different types of peaceful crowds first and thereafter with the handling of mobs and unlawful assemblies requiring the use of force. The need for tact, courtesy, patience and restraining should be stressed.

This training can be best conducted at medium-sized police stations, which combine some urban and some rural areas and are also the headquarters of the Circle Inspector. Its supervision should be made the responsibility of a specially selected and well-motivated Sub-Inspector known for his integrity and efficiency wsho might if necessary, be an additional officer depending on the number of Constables to be

trained. Specially selected senior Constables/Head Constables, to whom the trainee Constables would be attached to learn the work, should be posted to this police station. The Sub-Inspector in-charge of the training should submit monthly progress reports on each trainee Constable to the Deputy Superintendent, Training. At the end of the practical training the Deputy Superintendent, Training, should personally examine each Constable to ascertain if he has made satisfactory progress and developed the correct attitudes, and submit a report to the inspector General/Deputy Inspector General, Training, pointing out the favourable characteristics and the defects to enable the latter to decide whether the services of any Constable should be dispensed with or whether his period of probation should be extended in the cases of those reported upon adversely. The report would eventually be filed with the service record of the Constable concerned.

It is desirable that during the first few years of their service, Constables of the civil police should not be posted to the reserve lines where they would either form part of the reserve or perform mechanical duties. They should spend the first three years in police stations so that they can acquire proficiency through experience of field work. In order to give them an incentive to learn their work intelligently and to perform it efficiently, they should be allowed to take the examination for promotion to the rank of Head Constable during this period. Career planning should make it possible for a deserving Constable to earn promotion by the time he has put in about five years service.

Promotion Courses:

Constables selected for promotion to the rank of Head Constable are put through a course lasting three months course and a three months course for Head Constables selected for promotion to the rank of Assistant Sub-Inspector is to be conducted.

Head Constables selected for promotion to the rank of Assistant Sub-Inspector should undergo a three months course. As Assistant Sub-Inspectors, the officers will have to share the responsibility of supervision with the officer in charge and also investigate comparatively more complicated cases. Subjects relating to the prevention and detection of crime will need brushing up. In addition, the course should include

training in supervision and leadership and in handling specialized forms of crime; the role of the police, human behavior and police attitudes; methods of crowd control and the handling of different types of situations, particularly those relating to students and industrial workers. Motor cycle riding and maintenance should also be included.

Thus, by and large, the only training that Constables receive throughout their service is the basic training on recruitment. A vast majority of them mark time as Constables without any hope of promotion and they perform their duties in a mechanical way. The lac of any further training coupled with a lack of promotional opportunities seriously affects their efficiency and has an adverse effect on the image of the police. I consider a refresher course for Constables essential to maintain their professional efficiency and to ensure that they maintain the attitudes desirable in police officers. A refresher course of four weeks duration should be compulsory for Constables at intervals of seven years. The human relations content of this training programme will have to be substantial with emphasis on the development of correct attitudes and the preventive and social defence aspect of police work. To be purposeful and effective this training should be imparted in the police training schools. The refresher courses should also be utilized to identify Constables of a promising type for being encouraged to work their way up.

We would like all Constables to attend the refresher course but since their number is very large, the course should be restricted to those Constables who are capable of deriving the most benefit from it. Constables who have completed 25 years of service or 50 years of age, those who have a persistently unsatisfactory record of serviced and Constables who have done a promotion course or have been approved for promotion need not be sent for refresher training.

The post of Head Constables and Assistant Sub-Inspectors are filled by promotion in Gujarat State. Thus all Head Constables and Assistant Sub-Inspectors will have done either a promotion course or an induction course. I feel that all Head Constables and Assistant Sub-Inspectors, who have put in seven years service in their respective ranks, should be required to undergo at intervals of seven years a refresher course of eight weeks duration with a bias on scientific methods of crime detection. It should include an attachment to the State Forensic Science Laboratory for a week. Their knowledge of law and procedure with regard to investigation should be

refreshed and they should be acquainted with new laws and court rulings and the preventive and social defence aspects of police work. Police-citizen relations should form a part of the course.

REFRESHER COURSE FOR HEAD-CONSTABLES AND ASSISTANT SUB-INSPECTORS—CIVIL POLICE—(8 WEEKS)

Modern State and the Role of the Police.
Fundamental Rights and Directive Principles.

1. Political, social and economic changes in State and their implications for the police.

2. Major social problems—uplift of weaker sections of the people.

3. National integration.

Current Affairs.

Human Behavior:

Understanding Human Behavior—individual, group and crowd.
Police Behavior towards the public.
Principles of police conduct-selected cases to emphasize the importance of courtesy, impartiality and integrity.
Criminology:
Modern concepts in Criminology.
Criminogenic Factors.
Psychological.
Sociological.
Economic.
Political.
Deviance.
Individual deviance—juvenile delinquency.
Collective deviance—organized crime.
White collar crime.
Vice (gambling, alcoholism, prostitution and drug addiction).
Penology :
Punishment—prisons.

Correction and reformation—probation, parole and corrective institutions.

Racidivism.

Crime Prevention:

Prevention of Crime.

Collection of criminal intelligence.

Prevention of special types of crime like dacoity and burglary.

Application of Science and Technology to Police Work:

The course should include attachment to State forensic science laboratory for one week.

Self-Development:

There are a large number of Constables whose educational qualifications are matriculate or Std. XIth pass. Since it is otherwise also desirable to raise the educational standards of the police, opportunities should be provided to Constables for self-education. As regular classes may not be feasible for the constabulary, whose hours of duty are irregular because emergencies requiring the deployment of men in large numbers are frequent, the solution lies in encouraging them to avail of correspondence courses and/or evening classes for improving their educational qualifications to the extent this can be done without detriment to their duties. It would facilitate this process if Government bears the charges on account of the fees for these courses. Suitable allowances may be sanctioned to Constables who pass the higher examinations in the form of advance increments. This will provide the necessary motivation.

TRAINING OF ARMED POLICE:

Functions:

The armed police, consisting of a well trained body of personnel, provide a reserve force to aid the civil police whenever required. The functions of an armed police battalion are, mainly, to assist the civil police in the maintenance of law and order and in the management of large crowds at fairs, festivals, public meetings, elections and visits of **VIP**s; quell riots and communal disturbances, conduct anti-dacoity operations and perform counter-insurgency duties and tasks connected with border security; help the civil population during natural calamities; guard VIPs and

vulnerable points; escort prisoners, treasure, etc; assist the Army during peace and hostilities; and guard prisoners of war, control and protect refugees and assist civil defence units wherever necessary.

A State armed police battalion usually consists of six active companies, each comprising of three platoons, each of which is in turn divided into many sections. The Commandant of a battalion is an officer of the rank of Superintendent of Police and is assisted by two or more Assistant Commandants of the rank of Deputy Superintendent. The Company, Platoon and Section Commanders are of the rank of Inspector, Sub-Inspector and Head Constable respectively.

There are fifteen to Siixteen Groups of S.R.P. in Gujarat.
Each Group shall consist of the following:-
Two Battalions consisting of four Active companies each.
One Technical and Reserve Company.
One Administration Comp any.
Motor Transport Section.
Wireless Section.
Hospital Section.
Office Establishment.
Followers.

A Battalion shall be commanded by an officer called “Battalion Commander”, who shall be of a rank equivalent to that of an Inspector of Police.

Each of the Active Companies shall be commanded by an officer called “Company Commander” of a rank equivalent to that of a Sub-Inspector of Police. Each such Active Company shall consist of three Platoons, each commanded by an officer called “Platoon Commander” of a rank equivalent to that of an Armed Police Jamadar, plus a Company Head Quarters Wing.

BASIC TRAINING COURSES:

Constable recruit is given preliminary training in the unit for a couple of months before he is sent to the training centre/battalion to help him to find his feet and prepare him for the strict discipline of a training centre. The duration of the basic

course for constables varies from eight months. The subjects included in the basic course are physical training, drill, discipline, sentry duty, weapon training, bayonet fighting, lathi drill, crowd control, tactics, fieldcraft and unarmed combat. Instruction is also imparted in law, general knowledge, first aid, hygiene and sanitation, and map reading.

Basic training in the armed policed has the objective not only of training the personnel to a high degree of efficiency in the use of weapons and equipment and the performance of their duties but also of making them physically tough, disciplined and capable of working in a tem for the successful achievement of a common aim or task. An examination of the training programme of armed police personnel indicates that there is considerable stress on the teaching of professional subjects with little, if any, attention to an understanding of the role of the armed police in relation to the people or on inculcating proper attitudes in dealing with the latter. A large number of witnesses told us that the armed police were being increasingly deployed on duties such as controlling large crowds at fairs and festivals and in connection with elections, political meetings and processions, and they urged that the training programme should be enlarged to impart to the armed police personnel a proper understanding of the purpose behind their tasks. An armed policemen needs to be courteous, helpful, kind and yet firm while dealing with the public. These requirements have been kept in view in preparing the syllabi of the various courses for the armed police. Since a lot of their work is performed at night, there should be due stress on night work during their training.

CONSTABLES:

A Constable of an armed policed battalion has to perform sentry, patrol and picket duties; guard and escort prisoners; deal with large crowds during melas, processions, VIP visits and disturbances; take part in operations against dacoits, insurgents and extremists; and help the civil population during natural calamities. He must be made fully conversant with these duties and the laws which give him powers to act or which require his intervention and with the organization and working of the police department, other departments of the Government in the State and at the Centre, and of the arfmed forces and other auxiliary units. A syllabus for a nine months basic course for Constables of the armed police is arranged.

Sub-Inspector (Platoon Commander):

A Platoon commander is in incharge of the administration, training and discipline of a platoon and, should an occasion arise, of a company. He has also to know the administrative duties of a Subedar Adjutant, a Subedar Quarter Master, etc. He must be proficient in all the duties which his subordinates may be called upon to perform. The men look up to him for guidance and expect him to lead and look after them in all situations. He should able to motivate them and be capable of acting swiftly and decisively with boldness and courage and with a proper understanding and appreciation of the situation to be faced. His subordinates, colleagues and superiors should find in him a loyal and dependable person. The syllabus for a nine months basic course for Sub-Inspectors of the armed police is arranged.

Orientation Course:

The duties which the armed police perform are different in many respects from those of the civic police. Therefore, it is essential that officers of the rank of Sub-Inspector, Inspector and Deputy Superintendent transferred from the civil to the armed police should attend an orientation course with emphasis on unarmed combat, weapon training, fieldcraft, tactics, map reading, emergency relief operations and the functions of the armed police. This course need not be a regular feature and can be conducted once a year, or whenever necessary depending on the number of personnel required to be trained. The syllabus for a four months orientation course is arranged.

Promotion Courses:

It is necessary that promotion courses should be arranged for the various ranks of the armed police, in which, besides refreshing the knowledge and skills already acquired, inputs are provided to assist the officers to cope with their new duties and responsibilities. I recommend the following promotion courses :--A course for Constables selected for promotion as Head Constables. As a Section Commander, a Head Constable has to lead his men and be responsible for their training, discipline and administration. He should be able to handle a platoon, should such an occasion arise. The course should include instruction in all these duties.

A course for Head Constables selected for promotion as Sub-Inspectors. Instruction should be given in the duties and responsibilities of a Platoon Commander. The additional subjects to be taught are maintenance of registers, documents etc. of a platoon; duties of the Subedar Adjutant and the Subedar Quarter Master; platoon and company drill; and leadership and supervision.

A course for Sub-Inspectors selected for promotion as Inspectors. An Inspector in an armed police battalion is required to administer, train and command a company. In addition to teaching these duties the course should include instruction in holding departmental enquiries and in leadership and supervision.

Refresher Course:

In the armed police, the scope for promotion depends on the number of armed police battalions and one may have to wait for several years in the same rank before promotion. Refreshedr training is, therefore of special significance in the armed police since the professional knowledge and performance of every single individual in the field has to be kept up-to-date and of the required standard. There should be stress in refresher courses on weapon training and musketry, tactics, fieldcraft, security duties and crowd control. Topics under the heads ‘General’ and ‘Human Behaviour’ in the basic course should also be included. All officers should undergo refresher courses every seven years, except those who have done a promotion course or are approved for one. I recommend the following refresher courses:--

A three months refresher course for NCOs (Head Constables and Naiks) to be conducted in the units.

A fourteen weeks refresher course for Sub-Inspectors (Platoon Commanders) to be conducted at the State armed police training centre.

A fifteen weeks refresher course for Inspectors to be conducted at the State armed police training centre.

Instructors Course:

The training of outdoor instructors is of special importance in the armed police. Outdoor instructors are required for the following branches of specialization :-

Drill.

Physical fitness.

Unarmed combat.

Weapons.

Tear-smoke.

Anti-dacoity operations.

Counter-insurgency and anti-extremist operations.

The integrated method of teaching should be used wherever possible. While dealing with subjects like crowd control, communal disturbances, rioting, counter insurgency etc., the relevant legal provisions should be explained along with an exposition of the attitudes required for dealing with different situations. The maximum possible use should be made of audio-visual aids, including sand model discussions, tactical exercises without troops and outdoor exercises.

Daily Schedule:

The nature of their work and living conditions ensure that armed police personnel have the opportunity for physical training throughout their service, except during emergencies. The physical fitness programme recommended for the civil police need not, therefore, be adopted in the armed police. Instead, there should be a regular physical training programme intended to make the personnel tough. Their daily schedule of training should begin with physical training in the morning and the indoor classes should be held when the trainees are least fatigued, i.e. in the forenoon. Outdoor work like weapon training, tactical exercises and other practical work can be done during any time of the day.

Training of Traffic Police:

Traffic problems are becoming more and more complex and difficult not only in the metropolitan cities but also in several other big cities whose number itself is increasing at a fast pace. These problems have increased in the rural areas also all over the state due to increases in road mileage, number and variety of vehicles and road traffic of passengers as well as goods. With economic progress, these problems would continue to become more and more acute. This would necessitate a rapid increase in the strength of the traffic police in the country and would call for

specialized training of the higher ranks in the latest techniques of traffic policing. The subject has not received due attention and has remained neglected. Apart from reducing traffic hazards, this aspect of police work has a very important bearing on the image of the police. During my visits, I have found that, in cities where the traffic police are efficient, the people by and large have a good opinion about the police. The subject of imparting basic and specialized training in traffic policing not only to the rank and file of the traffic police but also to officers of the higher ranks, therefore, requires urgent attention.

There is Traffic Institute in Bombay and a Traffic School in Calcutta but there is no Traffic Institute in the State of Gujarat. Gujarat State should establish an institution for imparting training to officers, preferably with experience of traffic work from the rank of Sub-Inspector or Sergeant to that of Superintendent of Police. Basic and specialized training to the rank and file of the traffic police should be arranged in this institution.

5.23 INSTRUCTIONAL METHODS AND AIDS

Teaching Methods:

Training is fundamentally a problem of communication. The trainer must constantly interest, motivate, challenge and instruct efficiently. The longer the session, the more difficult is his task in putting his points across. The most common instructional method being followed in police training institutions, at present, is the lecture method, supplemented by demonstrations and written and oral instructions. It is quite apparent that this method, particularly in the hands of inexperienced instructors and without the assistance of any visual aids, is not achieving the desired results. Each faculty member will have to work out a plan of handling his subjects with a view to achieving the following objectives:--

To impart the necessary knowledge regarding the subject.

To assist the participants to develop the necessary skills for translating the knowledge into action.

To enable the participants to identify and understand the attitudes which would be desirable in handling different police situations.

Integrated Method of Teaching:

During my visit to various policed institutions, I found further that different aspects of the same topic were covered one by one and at different times, thus depriving the participants of a total understanding of various aspects relating to the totality of a situation. I recommend, therefore, that the integrated or concentric method of teaching should be adopted in all training programmes. This will involve close co-operation between the various staff members lecturing on different aspects of the same theme and also require a relatively higher ratio of staff to trainees than is the case at present.

The effectiveness of integrated teaching can be enhanced by supplementing the lectures with other teaching methods and using modern teaching aids so as to ensure the maximum possible trainee participation in the training process.

Lecture:

The lecture method is simple and inexpensive. An experienced speaker can make a lecture interesting, thought-provoking and and even challenging. A lecture can speed up the learning process as it enables the instructor to offer in a concentrated form the benefits of his knowledge and experience. But, since the participants have only a passive role, this method ignores the principle that learning to be effective must involve participant activity on the part of the trainees. Thus, it tends to add to information rather than increasing understanding.

Demonstration:

A demonstration is the simulated performance of an actual operation. It is a more effective form of teaching than the lecture when the subject matter calls for instruction in procedures or manual skills or the use of mechanical devices. It is particularly useful if the trainees have limited educational qualifications or practical experience. Demonstrations can also be used to set up or define standards of performance, by serving as patterns or models. This method can form an important aid in teaching subjects.

Observation Method:

The underlying principle of the observation method is that direct experiences are more effective in the process of learning than lectures. They are retained in the mind for a longer period of time than things learnt in the class-rooms. First-hand information is also a strong motivating force for further inquiry. This method, however, necessitates a well-planned and well-directed procedure in order to employ it to the best advantage for integrated teaching. Trainees are taken to observe incidents or situations either during the actual development of an incident or a situation or after it is over, to observe things for themselves, draw their own conclusions and plan their own approach when they may be called upon to solve similar problems. The instructor acts as a guide. This method can be widely used in police training programmes at all levels since police officers have to deal with practical situations directly all the time.

Discussion Method:

The discussion method can be utilized as an alternative to lectures to develop critical thinking among the trainees. Because of the active participation of the trainees, absorption is much greater. The success of this method depends on the involvement of the maximum number of students, but for deriving the optimum advantage, it is desirable to limit the size of the class to about 50 trainees.

In this method, the teacher sets a topic on which the students have to come prepared for a discussion. They raise various points and a discussion follows. This method helps to foster healthy rapport between the teacher and the trainees because it provides the latter with an opportunity to participate and stimulates enquiry and understanding.

Group Discussion:

A group discussion is held under the supervision of a leader selected from the group itself on a subject which may have either come up in the class-room or may have been selected by the instructor. It affords close and intimate contact between the teacher and the student and an opportunity for questions and clarifications. The aim is to facilitate a planned and purposeful interchange of ideas and reactions, helop the

trainees to acquire new knowledge and develop appropriate attitudes through a process of direct involvement.

The variations of this method which could well be utilized for police training are:

Tutorials—individual guidance given to small groups of pupils by an instructor.

Workshop—a group effort to work out the details of a task, as distinct from a discussion of general principles.

Symposium—a presentation of views by different speakers on a common theme.

Panel Discussion—a symposium supplemented by inter-action among speakers.

Brains Trust—a number of senior officers, preferably not more than five, form a group to answer questions put by the trainees.

Case Study:

The case study method has special relevance to police training because the police have to deal with cases and a trainee's accrued in the past or with some hypothetical, but realistic, examples is likely to lead to a proper understanding of the situations which he may have to face in his future professional career. This method places the greatest emphasis on participation by the trainees.

T-Group of Sensitivity Training:

One of the newest methods for developing skills in human relations, leadership and supervision, all of which are essential for the effectiveness of a police officer, is the T-Group or L Group discussion or sensitivity training. The basic objective of this training is to help the participant to improve his effectiveness through the process of developing insight into his own behavior, enhancing his ability to communicate with others and increasing sensitivity to inter-personal relationship. This is in effect a laboratory approach where the learning takes place on the data generated

through a series of experiences, which are unstructured and based on instrumented exercises depending on the growth of the group, in a ‘here and now’ situation.

Syndicate:

A syndicate generally consists of a small group of persons, with one member acting as the chairman and another as the secretary, for examining a specified topic. Each syndicate is briefed in detail on the topic assigned to it, indicating clearly its nature and scope and is provided with a reading list and specially prepared background material in the form of papers, exercises and cases. The chairman, with the guidance of the instructor, plans the work, conducts the discussion and study and helps the syndicate to prepare a report. This method calls for sustained effort by every member and develops co-operative, thinking and the powers of expression, judgments and decision.

Incident Method:

The Instructor sketches an incident; the trainees study the brief sketch and obtain more facts the instructor to complete the case. In the process, they learn how to obtain relevant data for studying an event or an incident. In the next phase, each trainee diagnoses the incident and writes down the solution individually. The trainees are then divided into like-minded groups and each group formulates its reasoning an elects a spokesman. In the subsequent phase, each spokesman outlines the position of his group. The groups then test the strength of their positions by obtaining more facts from the instructor. The instructor next tells the trainees what was actually decided and how it worked out. The trainees think over the entire problem and discuss such aspects thereof as promote a full understanding of the case.

The incidents are taken from actual life situations. This is an excellent method for developing understanding of how to obtain the right data for studying a situation, how to use data effectively and what the weaknesses are in the trainee’s own approach to the solution of the problem.

Films:

Films, especially sound films which combine action, dialogue and sound effects, absorb attention particularly if the presentation is of a professional standard.

Unconsciously, the viewers tend towards an emotional identification with the characters to an extent which few, if any, other learning aids can match. Since 90 per cent of knowledge is learnt through the sensory organs of hearing and sight, it is evident that the training value of films cannot be over-emphasized. The result of research indicate that films speed up training without loss of effectiveness; make training sessions more interesting; are more effective than verbal instruction or other visual aids in assisting the trainee to retain knowledge; and help to modify set or pre-conceived beliefs in desirable directions.

Slides:

The slide is one of the oldest and perhaps the most popular of training aids. It is easy to handle and can be put to a large number of uses. An instructor can use slides to illustrate his points and thus remain in complete control of the situation. Unlike film strips, slides can be shown in any order. A number of slides can be shown and each one analyzed thoroughly or a larger number can be projected in order to present a survey of the topic.

Projectors:

The projector can simultaneously project and enlarge any desired object from the size of a postage stamp to the page of a book so that every trainee in the room can see it clearly and without distortion. Maps, charts, diagrams, pictures, drawings, photographs, slides etc. can all be displayed effectively through projectors. The projectors required for film strips and slides are inexpensive and simple to operate. The over-head projector enables the instructor to face the group while demonstrating what he is trying to put across.

5.24 CYBER LAW:

The most challengeable task for police force in the current affairs is to detect the offences of **CYBER LAW**. But there is no special provision during the training or in the field to become police officers familiar with this law. The State Government has not formed a special branch to meet with CYBER CRIME. It requires badly need in now-a-days for Police Force.

How badly do we need the Cyber Law?

The apt answer of this question lies in all pervasive threat perception which is looming large in the cyber space. The threat or menace to the cyber space is no more a virtual one but a practical one which makes its mark palpable in every aspect of cyber space blurring the geographical boundaries of this planet. Such menace has now crystallized into various kinds of a specific crime which is in broader sense called **CYBER CRIME.**

The Cyber Crime is now no more limited to few sporadic incidents of unauthorized access to a particular computer or a particular cyber space with a view to damaging its data or sabotaging the system which few years were called the Computer Espionage. The Cyber crime has spread to such proportion that a formal categorization of its crime is no more possible. Every single day gives birth to a new kind of cyber crime making every single effort to stop it almost a futile exercise. Some of the current cyber crimes are – Cyber stalking, Tapering with Digital Signature Certificate, Cyber harassment, Cyber fraud, Cyber defamation, Spam, Hacking, Trafficking, Distribution, Posting and Dissemination of obscene material including pornography, Indecent exposure and child pornography etc. The rise in the variety of cyber crime as a natural corollary increases the rate of cuyber crime all over the globe. Going by the data of National Crimes Records Bureau the number of pending cases relating to cyber crime in India has witness's early 300% growth from the year 2002 to 2007 as in the year 2002 there was merely 70 cases pending whereas the same is 217 in the year 2007. This rapid growth of crime has left no room for doubt that this country indeed requires a dedicated Statute which would deal with all the possible aspects of cyber space and crime involving it which spread its tentacles in every corner of the global arena.

The habitat of more than a billion people in this country has no doubt makes the legal issues more complex to watch and implement. The augment of internet and rapid growth of MNCs has made it inevitable that the commercial transactions are regularly taking place from a remote corner to another far away corner of this country and the Corporate Field having taken resort to electronic mode of communication primarily internet makes it imperative to give legal recognition to not only the agreements executed through internet but even communications made through the

medium of internet. The Cyber Law is hence no doubt the right step in the right direction.

Before the enactmebr of Cyber Law i.e. Information Technology Act there was great vacuum in the law of evidence, the guidelines of proof of a case irrespective of its civil or criminal nature to cover various issues which encompasses the disputes or offence in cyber space. The enactment of Cyber Law has paved with its stride the necessary amendments in the Indian Evidence Act, Indian Penal Code, and The Bankers Book Evidence Act etc to give effect of the IT Act to its fullest.

The enormity with which the Cyber Crime has occupied the cyber space, the threat perception of the people has also undergone a sea change. Nowadays the people started getting more fearful about the cuber crime than even the burglary or the theft. The growing dependence on cyber space has made it inevitable that a specialized Law gives protection to the activities which the people indulge in through the media of internet. The dependence on cyber space with the each passing day would be on the rise and not be on the wane making it imperative that at least a sense of security prevails in the mind of the people while sharing cyber space.

Scope of Cyber Law in India?

The scope of Cyber Law in India is enormous to say the least. Before delving into the scope of Cyber Law we must understand that the octopus grip of Cyber Crime has spread to unavoidable presence of person, property and most importantly the Government in the Cyber Space. The terrorism against the Government popularly called Cyber Terrorism has the potent of causing far reaching and most deadly mark in the lives of people and the State Machinery. So most of the abuses or crimes done through the internet have been tried to be covered by the Information Technology (Amendment) Act 2008 which has been in force from 27.10.2009 bridging most of the loopholes which were found in the original Act.

(i) **Section 65 to section 67 B of the IT Act** have prescribed for punishment by way of imprisonment up to 3 years of fine up to 10 lakhs of Rupees depending upon the nature of offence.

(ii) Even the Intermediaries are not spared by way of **section 67C of the Act**. The Controller has been given enough power to give directions by virtue of section 68 of the Act. **Section 69 to 70 of the Act** has authorized the Central Government to monitor, intercept or even block for public access any particular information for the purpose of cyber security, to collect traffic data or to declare any computer resource a Protected System.

(**iii)** **Section 71 to 74** has given necessary security in the domain of privacy and for acts of misrepresentation, fraudulent publication or forged electronic signature by prescribing punishment by way imprisonment or fine up tp 3 years and Rs. 5 lac respectively.

(iv) The Act has also made liable the Company or a Firm for the acts of Contravention or offence by its Director or the Partner.

(v) The application of other Penal laws like Indian Penal Code, Arms Act, Copyrights Act, Narcotics Drugs and Psychotropic Act etc. parallel for the offence done in the Cyber Space has made the IT Act more relevant with the advent of progressive means of communications through cyberspace. That is why cyber laws do not mean IT Act alone.

In a nutshell the amendments made in the year 2008 has almost covered the gaps or lacuna which was found to be palpable when this Act first came into force. The term ‘electronic signature’ replaced the previous ‘digital signature’ to make this Act more applicable. The Cyber Law now has been made to apply in the case of ‘communication device’ as well to bring the high end mobile phones within its ambit. Section 10 A has been added to legally recognize agreements executed through e-mails. Section 43A has made the Body Corporate which is in charge of computer resource liable for not maintaining proper security. Most importantly section 81 of the Act has given this statute an overriding effect. The I T Act has been made enforceable against the abettor or the person who took attempt to commit the crime as well.

When the internet is the global tool of communication, how does cyber laws regulate activities of a website hosted or managed from another country?

This question deals with the aspect of extra territorial jurisdiction for an offence under Cyber Law. The primary penal law in India i.e. Indian Penal Code which also covers many forms of crimes including criminal intimidation, defamation, forgery, cheating, extortion which are widely committed by the cyber offenders by using cyber space has also covered this issue where by section 4 of the Code prescribes for punishment for any Indian citizen who has committed any offence outside India but found in India if such offence done by that person is punishable in India as well. The IT Act has also facilitated such applicability further by making such similar provision. The section 75 of the IT Act after its amendment in the year 2008 has made this Act applicable for commission of offence or contravention outside India as well. This section is even broader in its sense and applicability as even the citizens other than this country guilty of cyber crime has also been taken within its fold. Only small condition for its applicability is that such person must use any computer system or network located in India. So such accurse person can be prosecuted in India by bringing that person through International Treaties after undergoing procedural compliance called Extradition. Though India is not a member of any of the Cyber Crime Treaties like Hague Convention but it has extradition treaties with most of the countries and it is a signatory to TRIPS (Trade Related Aspects of Intellectual Property Rights) under the aegis of WTO thereby making it amenable to global jurisdiction on copyright, patent or trademarks disputes.

How does Cyber Laws define ethical netizen activities?

The ethical activities of the netizens mostly involve the activities which are called by the Cyber society as ethical hacker. Hacking means unethical access to a computer system. Now those persons who through unauthorized access to a computer system but do that with the view to find out the fissure in the security system but do not make any attempt to steal or damage any data or the network are largely called ethical hacker. Like the crackers they are not the outlaw in the society and the sole purpose of their activity is to highlight the shortcomings in the security of system so that the same may be repaired to restrain any such future unauthorized access. However section 66 of the IT Act in India has made it clear that before counting hacking as crime such unauthorized access must be made with the intention or knowledge so as to cause wrongful loss or damage to the public or the person and

must result in alteration, deletion or destruction of any information in the computer source. So by virtue of section 43 of the IT Act if any such activities do not fulfill the criteria as mentioned herein the same would not be counted as a crime and hence would not be liable to pay any compensation.

What is the difference between Hacking and Cracking?

Nowadays this hacking and cracking occupies the major portion of cyber crime worldwide. Still there is a fine line between hacking and cracking. Hackers are mostly perceived to be respected member of the technocrats who finds the loopholes in system for its betterment whereas the crackers are those who make the same thing but for the purpose of criminal activities with criminal intent.

A hacker may be a person who is expert with computers and/or programming to such extent where they know all of the in's and out's of a system. There is largely not much illegality involved with being a hacker if he indulges in ethical activities. He mostly does this to find out the security flaws so that the owner or the administrator of the system or the source comes to know about this for sealing the breach.

A cracker is also a hacker but he uses his expertise for personal gains outside of the law. EX: stealing data, changing bank accounts, distributing viruses etc.

What the hacker does with their knowledge of systems within the definition of the law is what defines them as hacker versus a cracker. We can hence safely say that all crackers are hackers, but not all hackers are crackers.

Hackers regard crackers as a less educated group of individuals that cannot truly create their own work, and simply steal other people's work to cause mischief, or for personal gain. However people often due to lack of proper understanding uses these words interchangeably.

How can a regular user protect his/her online identity from unethical activities?

In the face of progressive Cyber Crime often out pacing the means to check it, it has become more important to take some various preventive measures for a regular online user to protect both his identity and the content of his communication.

<!—[if !support Lists]--> (a) <!—[end if]→ Since transmission of electronic documents occupies the major chunk of cyber space in today's emerging global market, if the authenticity of such documents are not maintained the very foundation of global trade would come to standstill. Hence application of electronic signature, Cryptography, Hash Function, Split Key Architecture or Digital Time Stamping goes a long way to save the transmission of electronic documents from the clutches of Cyber Crime offender.

<!—[if !support Lists]→ (b) <!—[end if]-- > Storing the electronic document in removable storage device behind the Firewall also helps to keep the document in safe custody. The person using internet should be watchful to check the Digital Certificate given by the Certifying Authority while sharing information with any website.

<! – [if !support Lists]-- > (c) <!—[end if]-- > Use of Platform for Privacy Preferences by the member of cyber society also helps to create a sense of security in the online activities.. Moreover if the netizens worldwide apply the UN Guidelines to follow while using cyber space then no dubt the cyber space could be freed from the clutches of cyber crime to a large extent. Some of the guidelines are- purpose specification, lawfulness and fairness, interested person access, non discrimination, super vision and sanction and keeping of personal data by International Government Organization etc.

<! – [if !support Lists} -- > (d) <! – [end if] -- > Avoidance of using the same e-mail id which is used in social networking sites or given in any public profile while dealing with the banking activities including online transfer of money also helps to protect the user's identity from falling in the hands of eavesdropper. Little caution while sharing the password with any website, how secured it may be, only protect the user in his online activities. Adopting some precious little like installing up-to-date anti-virus software, using security programme to have control over the cookies do wonders for the benefit of the online users.

In the context of the Pakistani Cyber Army's hacking the official website of CBI how is the Indian Government equipped with essential technology to protect sensitive information from malicious attacks?

The hacking of CBI website along with other alleged 270 government websites in India has caused a lot of stir in the both private and public domain. Such rampant hacking of Government websites has no doubt exposed how ill equipped our mainstay of the Investigating Agency and loopholes in the filtering controls of National Informatics Centre, the Organisation which manages the servers across the country.

Even the sources in the IB admit that the expertise of government machinery is not sufficient. And the only way to counter such future attacks seems to make it urgent to create a team of dedicated hackers or cyber army who with the permission of security agency would keep a watch on the important websites of the Government to prevent recurrence of such ignominy to out nation. The Government is also heard to be thinking on that line. However in Kerala the Computer Emergency Response Team prevented similar attempts of threat to government websites which only proves that if the Government agencies want it can indeed take appropriate preventive measures against such attacks in future.

The Indian Cyber Army in the meantime retaliated by attacking and defacing the official website of Oil and Gas Regulatory Authority, one of the most secured government website in Pakistan.

Are these the new face of terrorism- cyber terrorism?

Yes these types of organized cyber attacks against the civilians or the government's cyber property could indeed be termed as cyber terrorism. The cyber terrorism like a commonplace terrorism has been successful to create a panic in the minds of the people who often are found to be unawares when attacks are made causing a fear psychosis in their mind about the next possible attack. It is nothing but a proxy war creating as much of damages as could be possible in the property of the enemy of the cyber attackers. The defacement of a website may not be the only casualty. Cyber terrorism may soon target the Information System which control some basic civic services, banking systems or even the Stock Market or private sectors.

So the government with a view to protect its civilians or its property from the cyber terrorism should install the Protective Security Blanket over the important

Information System and Installations. Adopting counter measures against such attacks should also be productive. Creation of a Cyber Army with legal recognition only for the protection of the cyber space and property is the need of the hour. Creation of Computer Emergency Response Team is the right step in the right direction by the Government. The Government should also take a pro active measure by identifying the IP address and the website, if any, of the cyber terrorists and should destroy the source and those who harbors' of such crime for which no doubt a global consensus needs to be in place.

Another important measure for protection against cyber terrorism and war could be taken if the Corporate World where undoubtedly the online activities are at wide scale is made to understand its threat and the actions to be taken for its protection. Mere negligence and or apathy to take such counter or protective measures sometimes compromise the security of the people or its customers at large and the only means to stem it is to implement a comprehensive Cyber Law Compliancy like the Governments in Europe and America do. India is yet to do on this aspect and the same can be implemented only if the government enforces some kind of issuing Compliance Certificate in default of imposition of heavy penalty may be levied. The Certifying Authority should be made more vigilant while discharging its functions.

A Data Protection Laws for ensuring that no Data Confidentiality is lost resulting from the Transcription Centers which have seen phenomenal growth in India once the Foreign Firms found India as its favorite place for outsourcing.

The Government could also seriously think to raise a dedicated Cyber Inspector on the line of other countries like South Africa. A Special Task Force for the purpose of Cyber Crime only can be set up so that ill effects of wide spread computer illiteracy in the existing Police Force in India could be mitigated.

How much the Indian netizens are aware of the laws governing their online activities?

The answer is a mixture of both yes and no. It would be false to state if we call that the Indian netizens are unaware of the Cyber Laws in this country. The problem is only 10% of the total offences committed gets reported making us believe

that the computer users are not versed with the Cyber Laws in India. But the fact is the computer users a or netizens are averse to lodge the complaint due to the fact that once such case is registered they have been subjected to the grueling stages of tardy prosecution. The ill equipped law enforcing agency and the not so trained judiciary only add the further woes to the crippling Cyber Laws. It is not the lack of awareness but the apathy of the netizens to bring the culprits to book which is responsible to the small amount of cases pending under Cyber Laws compared to the regular criminal or civil cases. Moreover making the case under IT Act as a quasi civil nature does not help either. So the victim or the law enforcing agency is more eager to register a case for defamation or intimidation under the provision of Indian Penal Code than that under the IT Act.

Moreover keeping certain all important Acts or provisions of law like Negotiable Instrument Act, Will, Trust, intellectual Property Rights, Power of Attorney or Conveyance of immoveable property outside the jurisdiction of IT Act does not render any help. The issues of chat room abuse, domain name or theft of internet hours are also kept outside the purview of IT Act. The lack of parameter to implement the IT Act further compounds the problem.

Still we can neither lose any hope nor ignore that the registration of cases under the Cyber Laws for the last few years only increased rather than getting decreased.

Ways the Indian Government promote literacy about Cyber Laws?

The government no doubt can play a pivotal role in spreading awareness and the best result in this respect could be yielded not by mere publicity through advertisement in both print and electronic media but by means of e- governance and imparting IT training to its staff. The launching of e-courts in most of the states even including the lower judiciary literates a large chunk of people who mostly go to the court very often. However, the main hurdle in spreading the literacy which plagues the whole system is the ill trained lawyers, law enforcing agents and the judges. Unless the infrastructure which enforce, execute and adjudicate the issues involving cyber laws gets improved with well trained members the people at large would refuse to get literate with the Cyber Laws. The legislation of Communication Convergence

Bill is another measure by which the Cyber Laws could be spread to more people by way of its wide stretch of application.

5.25 TRAINING OF INFORMATION & COMMUNICATIONS TECHNOLOGY: (ICT)

Now-a-days it is essential for a State Police force to establish an ICT wing and there should be a provision for practical training for this wing. But even today the State Police department has not established ICT wing nor there a provision for special training.

(1) GENERAL:

(1) Police being a department of significant proportions, spread throughout the length and breadth of the State, with deployment at numerous remote locations, both within and outside the State, requires effective, secure, readily available, fast and reliable information management and communication amongst various wings and units. Information & Communications Technology (ICT) Wing, is dedicated to providing technical and manpower support to enhance the operational efficiency of various wings and units in this regard. Overall control and responsibility as regards administration, internal economy, discipline, welfare, recruitment and training in ICT Wing shall vest in the Director General of Police who shall be competent to issue directions, frame regulations and issue standing orders and standard operating procedures consistent with the Act and these rules in pursuance of the same.

(2) Information & Communications Technology (ICT) Wing shall be administered, under the general control of the Director General of Police, by an officer of the rank of Additional Director General of Police or above. He shall advise the Director General of Police in matters relating to modernization of management of information system and telecommunications, adoption of advanced technology, training methodologies, procurement and management of new equipment, use of cryptographic tools, manpower planning & management, coordination with outside agencies of Government of India and other states/Union Territories. He shall be responsible for gearing up the related systems of technology meant for information and communications towards providing reliable, fast, efficient and secure police service under all circumstances.

(3) It shall be the duty of the Information & Communications Technology (ICT) Wing to get a comprehensive technology audit of the organization conducted every two years, outlining the current level of technologies available in the organization, its strengths and weaknesses, new technological developments in the field of telecommunications and Information Technology, and a forecast of future requirements over a period of next ten years. The whole exercise is aimed at generating a long-term perspective plan for the Information & Communications Technology (ICT) Wing and its regular updation.

(4) The Additional Director General of Police, Information & Communications Technology (ICT) Wing shall, under the authority of the Director General of Police and with his approval, issue standing orders laying down clear norms regarding access to information communication equipment in the State, handling and prioritization of information communications, functioning of Police Control Rooms, Network stations and courier service.

(2) AIMS:

Primary role of ICT Wing shall be to plan, Objectives, organize and provide efficient and secure communication and solutions based on Information & Communications Technology to all the wings of the Gujarat Police.

(3) FUNCTIONS:

The functions of ICT Wing shall include:-

a) ***Operational***:- The ICT Wing shall be primarily responsible for providing reliable, secure and efficient voice and date communication for clearance of the messages concerning law & order, on the VHF/UHF/HF, POLNET as provided in the Police Radio procedure Book issued by DCPW from time to time. The other mode of communication for Voice, Data and Video Communication will be through LAN/WAN, WI-Max, E-mail, E-Mobile, GPS based and other latest available technologies. The communication shall be static as well as mobile as required from time to time and shall extend from the State Headquarter to District Headquarter, down to the Police Stations/Police Chowkis, other field units, vulnerable areas and mobile patrolling parties etc. Provided such ICT based solutions shall be available to

all the units, wings and branches of the service, subject to the administrative and financial sanction of the State Government issued from time to time. In the eventuality of any crisis or emergency, when normal facilities of communication provided to the public, such as Post & Telegraph or Telephone are affected due to interruption like strikes/ sabotage/ natural calamities etc. the Police ICT infrastructure shall be used for purposes other than policing, till the systems disrupted are restored to normalcy.

b) Equipment Management:- Management of equipment, including procurement of computer hardware, software and allied items for different Units, Wings and Branches of Police.

c) Repair & Maintenance*:-* Providing repair and maintenance to the entire ICT infrastructure and equipments held by the Police service to ensure effective, uninterrupted and fool-proof communications service at all places round the clock, throughout the State and places relevant in Gandhinagar and Delhi.

d) Training Management:- The ICT Wing shall conduct training programmes for Operators and Technicians of all levels responsible for operation of radio, and information technological machinery. The ICT Wing shall also be responsible for organizing preliminary training, for police personnel, to acquaint them with latest facilities available and enable them to use such advanced technology.

e) Personnel Management*:-* The ICT Wing, while maintaining its distinct identity as a separate cadre, shall organize recruitment and training of the personnel as well as maintain their separate seniority, for the process of promotions. On completion of prescribed training, the overall administration and control over postings, and general discipline, shall also be the responsibility of the Wing. The rules of appointment, training, seniority, promotions, rewards, punishments, overall discipline and conduct, applicable to the personnel in other cadres, viz., District Police Cadre and Gujarat Armed Police Cadre, shall mutatis mutandis apply to the personnel of the ICT Wing.

f) Modernization*:-* It shall be an added responsibility of the ICT Wing to strive for the continuous development and modernization of Computer & Telecom system in

vogue vis-à-vis its emerging requirements in changing scenario with the latest technique and trends in the field of Information Technology.

(4) ADMINISTRATION:

(1) The Information & Communications Technology Wing of Police shall be administered through a Superintendent of Police (Communications), who shall be an officer of the Indian Police Service of the rank of Superintendent of Police or above, preferably having some academic/formal exposure to technology. He shall have the duties, functions, powers and responsibilities of the Superintendent of Police under the Act and these rules in all matters relating to administration, appointment, training, promotion and punishment.

(2) There may be more such number of officers of different ranks as the State Government may prescribe. In case when there are more than one Superintendent posted in the Police Communications, work shall be suitably distributed amongst them by the In charge, ICT Wing with the approval of the Director General of Police.

(3) The Incharge, ICT Wing shall, with the approval Officer of the Director General of Police, designate either one of the Superintendents of Police as the Police Radio Officer (PRO) for the purpose of coordinating with various external agencies such as the Ministry of Home Affairs (MHA), Government of India, Directorate of Coordination of Police Wireless (DCPW), other Central and State agencies in matters related to training, cipher codes, procurement, technical standards, allocation of spectrum, granting site & clearances for installation of wireless networks etc. The PRO shall exercise these responsibilities under the supervision of the Incharge, ICT Wing and under the general control of the Director General of Police and in accordance with the policies of the State Government.

(5) TRAINING:

1. Directly appointed enrolled police officers shall be deputed for basic training for six months in the Gujarat Police Academy. On successful completion of basic training, they shall undergo six months' training in professional skills in the Communications Training School. The schedule and content of the basic and professional training shall be prescribed by the Director, Gujarat Police Academy and

the Incharge, ICT wing respectively, with the approval of the Director General of Police. After successful completion of the training, members of the service shall undergo practical on-the-job training for 12 months.

2. Promotion:- Appointments by promotion shall be made on the basis of seniority and fitness to the post, and no person shall be entitled to claim promotion as a matter of right, promotion to such post on the basis of seniority alone. Efficiency and honesty shall be the main factors governing selection. Specific qualifications whether in the nature of training courses attended, professional courses passed and practical experience shall be carefully considered in each case overall performance as revealed by annual performance.

The scholar is discussing with the Additional Director General of Police (Training) & (Director, Gujarat Police Academy, Karai)

The scholoar is discussing with the Additional Director General of Police (Training) & Director, Gujarat Police Academy Karai, with Joint Director, Gujarat Police Academy, KARAI (Gandhinagar).

The scholoar is discussing with the Inpector General of Police and Principal, Police Traing College, Junagadh.

5.26 POLICE TRAINING: PROBLEM-BASED LEARNING PERSPECTIVE.

Police is often being criticized for inefficiency and incompetence. Though the criticism is always not fair; there is a genuine perception amongst the people that police organizations are not able to manage changes as fast as it is expected from them. There is also **a** perception that police lacks professional competence. Thus, for developing professional competence training is the most effective intervention strategy and in this process **Problem-Based Learning** seems to be better approach for developing competence. The PBL is a participatory approach and makes the learning not only direct and interesting but also very effective one. It is a method which presents learner with real life problem and encourages the learners to critically analyze the situation and come up with appropriate solution. Thus, learning occurs through problem solving. The PBL also deliberates what does not work; therefore, the probable failures are already discussed and discarded which is very important for police profession. There is an urgent need to introduce problem-based learning approach in our police training institutions in guidance of competent facilitators. The police training methodologies need drastic review to cope up with the present demand from the profession.

Police profession is facing the most challenging time these days. Amides the changing society and growing prosperity, the informed and aware citizens are very assertive about their rights and responsibilities of Police. At the same time, developed society causes new types of problem domains for policing for which Police are either not trained, or say, lacks professional excellence. This is just obvious because of tons of load on already scarce resource of the "Police" in our administrative set up. To a certain extent, the performance of Police can be enhanced through better training. For this, the problem domain of profession should be the "Need perspective" of Police training and find the best method to train the Policeman. Problem-based learning could be one of the methods in conjunction with various other methodologies, to train the Policeman for policing in modern days.

Further, the philosophy of training the Police in new techniques also gets reemphasized in the light of "core values" of all organizations to develop their men. That is to focus on developing human resources to tackle bad performance.

Need perspective:

The evaluation and feedback of performance of Police is coming from various sources, whether it is media, public or any other body-every institution has something to say about how best Police can perform their duties or where they are slack in performance. One of the biggest benefits of these feedback and evaluation is that it helps in identifying the training needs. On the basis of these needs, suitable training module can be designed to give professional inputs to make the Police competent and capable.

To design professional inputs for services like Police becomes very difficult as most of the personnel develops an attitude of – "I know all" and also feel unhappy about being tutored after so many years of service. They also behave arrogantly and have scant regard for training, and mostly they take it is punishment or paid holiday. Therefore, the need perspective must take cognizance of such behavioural resistance while designing training module. Problem, based learning may be one of the solutions as the people resisting training may be asked to resolve a problem/situation, and upon performing dissatisfactory may be convinced to enter "learning programme / training". In the process, people should be assured of privacy of their incompetence/weakness on the condition that they must utilize future training programmes, to develop confidence and competence. Setting a performance standard or failure standards will motivate everyone to learn and grow.

Before attempting the relevance of "Problem-based learning" for Police personnel, it is imperative to understand what is the concept of Problem-Based Learning (PBL), how flexible it is to tailor make this concept for training the Policeman and how this scheme can be monitored.

Characteristics:

- Using stimulus material to help discussion and brainstorming of an important problem.
- Presenting the problem as a simulation of professional practice or a real life situation.

- ➢ Appropriately guiding learner’s critical thinking and providing limited resources to help them learn from defining and attempting to resolve the given problem.
- ➢ Having worked co-operatively as a group, exploring information in and out and access to a facilitator who understands problems can help learning.
- ➢ Helping learners to identify their own learning needs and appropriate use of available resources.
- ➢ Reapplying this new knowledge to the original problem, and evaluating their learning process.

The best part of problem-based learning is that the learners are actively involved and learn in the context in which knowledge is to be used. This learning instills confidence in professionals; it enthuses, encourages and motivates to take up challenges. These virtues, which are accrued to PBL learners, make this concept relevant for Police. The increasing threat of Terrorism and Naxalism along with the new challenges in routine policing jobs leaves a Policeman confused, directionless and clueless regarding how to respond. Often, Police is not confident of proper response or at least people are never sure about the professional competence of Police in critical situations. This lack of trust ultimately damages the social causes and threatens public security. Therefore, the need of learning focusing on the problems will certainly be of great assistance in competence development.

Cognitive advantages:

Conceptually, the PBL supports the rational learning process and response is that of change and achieving objective. It, first of all, stimulates the need to learn, analyze the response and inculcate change in behavior and professional approach. Advantages which may be expected from PBL:

- ❖ It involves learners by explaining the rationality of learning a particular thing, thus, learners become an active partner in the learning process.
- ❖ It enhances the perceived relevance of what is being learned.

- ❖ Focuses more on understanding the subject and original thinking, thus, differs substantially from the traditional learning approach. Thereby professional growth is sound.
- ❖ Since the learners are active partner and strive to have understanding of the subjects in depth, learning processes are less time-consuming and more productive. Thus, it saves time.
- ❖ Adult learning concept be also considered in this perspective.

Intervention strategy:

The PBL is also an effective intervention strategy to effect behavioral and attitudinal changes in Police personnel. To work on training strategies, a few proven empirical findings should also be taken into consideration like:

- ❖ Learner in a practical situation responds better.
- ❖ Learning is optimum in demonstrative and visual depiction.
- ❖ Participatory approach has deeper impact.
- ❖ Direct learning has advantage of better communication.
- ❖ The above findings further reinforce the hypothesis of problem-based learning as an effective tool for training Police.

For effective training intervention strategy in PBL, problems or situations should be presented in such a form as to be in reality. A background study of such situation should be undertaken by learner. In case, there is no time for formal study, background study materials should be made available. The learner should be given freedom to apply his reason and knowledge, which may be rationally evaluated and counter argument should be well responded as well as the training needs are identified. The further input will depend on the fact that how deeply the knowledge and skill of learners have been challenged. After imparting training, the learners will again be evaluated to judge the effectiveness of training as well as the efficiency of learner to learn. This method must have a “personal meaning” to every learner and any grey matter be addressed critically. Thus, the steps involved may be like this:

- ❖ Learner is given a real life professional problem.
- ❖ He or she analysis's the problem and comes up with initial ideas.
- ❖ The PBL creates ideas and further information requirement is deliberated in detail by fellow learners and facilitators.
- ❖ Learner develops his ideas further towards solving the problem.
- ❖ Facilitator intervenes and best approach is discovered.
- ❖ Practical observation of problem, if feasible, are closely studied and such incidents are analyzed.
- ❖ Knowledge transfer for future is also ensured.

Evaluation process also requires that learner should be given an opportunity to articulate and demonstrate his required knowledge in further simulated situation. 'Problem package' of conceivable situation will broaden the outlook of learner. Interaction with such situation handler will be a good idea for exposure and confidence of the learners.

Indicators of learning will be reflected in competence building amongst learners such as competence to analyze complex problems as they appear in profession. The learners are judged about their understanding in policing to command situation in conflict resolution, negotiation skills, mob-control, safety and security of life and property, use of force, investigation, legal action, ect. Police often deals with mob and violent situations. Leadership quality is, thus, also one of key areas which are to be evaluated.

An example of PBL:

These days, a lot of riotous situations arise due to vehicle accidents, resulting into violent protests by people and often leading to deaths and destruction of properties worth crores.

Situation:

The problem is that a truck in Rajkot at 0800 Hrs. has rammed into a Public School bus at a busy crossing and reportedly a few children are seriously injured.

Facts:

In some of such accidents, that has recently happened, caused large scale violence, rioting and damage to property. This is also a fact that sometime it led to 'bandh' of the whole city, and violence to such scale that curfew was imposed to control the situation, and also communal riots broke out in a few pockets. The police and other agencies have to face the burnt of the ire of the people.

Problem domains:

- ❖ Police to reach the spot immediately and assess the situation.
- ❖ Alert hospital/health care services and call for ambulance.
- ❖ Evacuation of injured to hospital.
- ❖ Safe evacuation of truck staffs and their security.
- ❖ Control the mob at the spot for any reaction.
- ❖ Ensure safety and security at hospital.
- ❖ Make arrangements to provide information and facilitating parents.
- ❖ Opening traffic after critical spot investigation immediately.
- ❖ Keep readies the emergency services, extra troops, etc. if situation turns violent.

Conflict resolution

- What sort of conflicts may come out of this incident?
- Who will be in conflict with whom?
- What will be the issues of conflict?
- Who can engage them in conflict resolution talks/negotiations?
- What would be probable demand/compensation, etc and who can accept such demands.

- How to involve the other agency of Government who can play crucial role in conflict resolution?

Learning issues:

- What is the situation and what are the legal powers of police?
- What would be the consequences of each and every decision the police officer at the spot will take?
- What will the breaking point for use of Force and to what extent?
- What competence, knowledge, skill and communication skills are required to solve this type of problems?
- What new competence learned during PBL in course of solving this situation?
- What all are the new techniques such as use of emotional intelligence, skills, etc. that have evolved? How to share/transfer this knowledge with colleagues?

COMMANDO TRAINING COURSE:

There is a facility of commando training course but no separate Commando Training School or College governed by army officials. Though Gujarat State is a very sensitive state and Land and Sea boarder is connected with neighbor country like Pakistan. Gujarat State having the largest Sea boarder about 1600 Kms. with Pakistan. Moreover Gujarat State is a very sensitive State like Bombay. Businedss hub and Large Ports and Refinery is also located with the Boarder area of Gujarat State. Gujarat State having badly needed of Cammando Training School separately located in nearby the Airport area. Now-a-days Commando Training facilities is at Gujarat Police Academy Karai. But it is only of Preliminary Stage. State Government officials are very idle and have not centralized their attention for better facilities of Training School for Commando Training. RAJASTHAN STATE has established a Commando Training School. Undermentioned brochure is of Rajasthan State Commando Training School, JODHPUR.

Commando
Training School
Jodhpur











Rajasthan Police Training Centre Campus
Mandore Road, Jodhpur (Rajasthan) – 342026

Core Team

Chief Instructor



Major General (Retd.) Dalveer Singh AVSM,VrC, VSM

- Group Commander NSG Training Centre (Commando Faculty) and 52 Special Action Group (Anti Hijack Force)
- CO, 10 Para Special Forces in Sri Lanka (Operation PAWAN)
- Brigade and Division Commander in J & K involved in counter terrorist operations
- Dy Director General Military Ops. (Special Forces) AHQ
- IG, Cab. Sectt., New Delhi

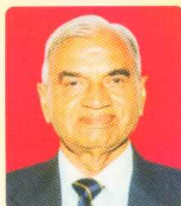
Firing Coach



Brig. (Retd.) J. S. Rathore, VrC, VSM

- Served in various appointments both in command and staff and has experience of counter insurgency in North East, Kashmir valley and Ladakh.
- Authored a book "Ek Goli Ek Dushman" on principles of firing and how to improve firing in a unit. This book is widely used in army units.

Visiting Faculty



Padamshree Narayan Singh Bhati, DIG, SSB (Retd.)

- Started his career as Dy. SP in IB in 1962, during raising of SSB post 1962 war. Trained in guerilla warfare and involved in operations related to irregular and unconventional warfare.
- After retirement, was invited by Andhra Pradesh Police to organize and train special anti naxal force (Greyhounds) which has successfully neutralized the naxals in AP.



Ajeet Singh Shekhawat, IG CISF (Retd.)

- A high ranking and top rated security risk management professional with dynamic leadership career of 37 years in the CISF
- Controlled operational matters of 272 Units including Airports, Dept. of Atomic Energy, Dept. of Space, Delhi Metro, etc
- Started VIP security training and responsible for creation of 'Special Security Group' in CISF. Oversaw the Fire Fighting Wing and Disaster Management Training

ALL INDIA POLICE COMMANDO CHAMPIONS 2011

TRAINED CHETAK COMMANDOS OF GUJARAT POLICE

CHAPTER-VI

(6) D U T I E S:

There are several types of duties of Police Force. Looking to the other Government organizations there are fixed or limited duties but in police force there are varieties of work in the duties even though they are having less salary/remuneration in comparison of other employments.

6.1 General duties of Police Forces are as under:-

GENERAL DUTIES OF THE POLICE:[1]

Execution of orders and processes.

Prevention and Investigation of crime.

Prevention of public nuisances.

Arrest.

Assistance to another Police officer.

Co-operation between police of adjacent territories in the matter of pursuing cases of abducted persons.

Co-operation between the Railway and District Police in the Investigation of crime.

Conferences of Police officers.

Co-operation between the Railway police and Railway officials.

Co-operation between Railway Protection Force and Government Railway Police.

Assistance to disabled persons.

Health and comfort of persons in custody.

Damage by fire, animals, etc.

Control of traffic.

Barriers on streets for checking vehicles and their drivers.

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1. BOMBAY POLICE ACT, POLICE MANUAL AND STANDING ORFDERS FOR POLICE FORCES.

Maintenance of order in streets and public places.

Duties of the Police in the matter of enforcing regulations in connection with Epidemic Diseases.

Enforcement of Police regulations for preventing breach of peace.

Stray cattle and unclaimed property.

Hydrophobia and Stray Dogs.

Duties under special or local laws.[1]

Duties of the Inspector-General of Police.

Duties of the Commissioner of Police.

Duties of Deputy Inspector-General of Police.

Duties of Superintendent of Police.

Duties of the Deputy Commissioners of Police.

Duties of Sub-Divisional Police Officers.

Duties of the Supdt. of Police in the commissionerate area.

Duties of Circle Police Inspectors.

Duties of Inspector of Police in the commissionerate.

Duties of Home Inspectors.

Duties of Sub-Inspectors.

Duties of Sub-Inspectors of Police in the commissionerate.

Duties of second Sub-Inspectors.

Duties of Head constables.

Duties of the Police Armourers and Assistant Armourers.

Duties of constables.

Superiors competent to perform duties of subordinates.

Investigations by ordinary Police in the spheres of special branches of the Police.

MAINTENANCE OF ORDER:

District Magistrate's responsibility.

Prompt reports to Govt. relating to riots.

Special reports of important events.

Strikes and lockouts.

Reports regarding hunger-strikes of prisoners.

Police action during industrial unrest.

Police action during railway strike and other eventualities on railway.

Maintenance of law & order during general elections.

Preventive measures in case of threatened communal trouble.

Principles to be observed in opposing troops or armed police to hostile mobs.

Type of ammunition to be used for Law and Order duties.

Use of fire arms in dispersing an unlawful assembly.

PREVENTIVE ACTIONS.

Record of crime and criminals.

Village crime register and village conviction register.

Confidential note on the village.

History sheets.

Register of suspects visiting village.

Police Station conviction registers.

Known criminals register.

Identification of Habitual offenders.

Village patrolling.

Road patrolling.

Travelling Police Guard on Night Passenger Trains.

Wandering gangs.

Action against Gangs of Foreigners.

Preventive Actions to be taken by Police Officers:

According **to CrPC-149** Police to prevent cognizable offences.—Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

According to **CrPC-150** Information of design to commit cognizable offences.—Every police officer receiving information of a design to commit any cognizable offence shall communicate, such information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

According to **CrPC-151** Arrest to prevent the commission of cognizable offences.—

(1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

(2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention, required or authorized under any other provisions of this Code or of any other law for the time being in force.

According to **Cr PC-152** Prevention of injury to public property.—

A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal or injury of any public landmark or buoy or other mark used for navigation.

In other cases of prevention of crime the police has powers to make report to the Executive Magistrate u/s, **107 of CrPC**. Security for keeping the peace:-

(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, [with or without sureties,] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act as aforesaid beyond such jurisdiction.

6.2 INVESTIGATION OF CRIME :

Free use of telegrams by the Police in matters relating to crime. Now it is upgraded and FAX, WIRELESS and COMPUTER massages are conveyed by the police authorities.

Stoppage of Railway trains at non-stop stations and detachment of a railway carriage in a case of serious crime.

Identity of Police officers proceeding outside jurisdiction.
Investigation in military lines.
Treatment of certain offences for Police purposes.
Complaints referred to Police by Magistrates.

Cases referred to Police by Magistrates otherwise than on complaint.

First information of a cognizable offence.
Kidnapping, abduction or missing person's cases.
Procedure when jurisdiction doubtful.
Prosecution and Court Proceedings. [1]

DUTIES OF THE POLICE UNDER CERETAIN SPECIAL OR LOCAL ACTS AND AID TO OTHER DEPARTMENTS.

Archeological Remains.

Details to be noted and reported in connection with Aircraft.

Checking of baggage on receipt of warning regarding bomb scare.

Registration etc. of private firearms of Police officers.

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1. **REPORT OF THE COMMITTEE ON POLICE TRAINING, MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, P.315-317.**

GUARDS, ESCORTS AND ORDERLIES DUTIES OF POLICE FORCE: [1]

The crime problem has proven to be resistant to a multitude of social control strategies. One of the strategies most frequently advocated by politicians, police, and others in the effort to control crime is the expansion of police employment. However, the empirical relationship between crime rates and police employment has seldom been the subject of systematic analysis by social scientists. That relationship constitutes the primary focus of this topic. Our structural models of violent and property crime incorporate several determinants of crime rates identified in earlier ecological studies (density, racial composition, and poverty population composition), in addition to measures of age composition, population size, and police employment.

A number of possible casual relationships may exist between crime rates and police employment; (1) increased crime rates may cause increased police employment; (2) increased police employment may cause increased crimes rates; and (3) crime rates and police employment may be relationships may be spurious. Just as there are a number of possible causal relationships between these two variables, there are also alternative theoretical perspectives which might help explain these relationships. First, the relationship between crime and police employment may be viewed from a labeling, or societal reaction, perspective. Specifically, high-crime rates may be interpreted by citizens as indicating a break-down in, or threat to, social control. Societal reaction may then take the form of increased demand for social control—i.e., police services. From this perspective, then, it is reasonable to hypothesize that crime rates should be positively related to police employment. Moreover, when crime is viewed as the dependent variable, the labeling perspective would still suggest a positive relationship. That is, from a societal reaction perspective, an expansion in the "labeling system" should, theoretically, increase the number of people labeled (or potentially labeled). Therefore, as the number of police per capita increases, so should the amount of crime which can be processed. From this perspective, police employment data are an organizational variable and provide as estimate of the system's "processing capability." From a societal reaction perspective, then, one would hypothesize a "spiral effect," with high crime rates leading to

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1. **Report of the committee on Police Training,Ministry of Home Affairs, Govt. of India, P. 321**

increased police employment which, in turn, leads to higher crime rates. An alternative theoretical perspective that of deterrence, would suggest a different kind of reciprocal relationship between crime rates and police employment. To the extent that expanded police employment is perceived as increasing the probability of punishment, there should theoretically, be a corresponding reduction in crime rates.[1]

POLICE INVESTIGATIONS:

A person was presumed, to be innocent, until proved guilty in accordance with the procedure, laid down by the law. The State was almost put in the same position, as the accused. It had to prove its case, in reasonably independent tribunals, or the courts, before the guilt of a person could be proven and the punishment awarded.

In fact, the State was and is, still at a disadvantage, because neither the statements recorded by its investigating agency nor the confession, made before it, are admissible in law. Thus, theoretically and even actually, if an accused person committed a murder and confessed the same to the highest police functionary in the State, that is the Director General of Police, this confession, will not be admissible in law courts. The evidence of a top police officer is even worse than useless. But if such confession is made, before a criminal or a person, wanted by the law, this will be admissible and creditworthy, so far as our legal system is concerned. Apart from this, the State provides legal aid to the criminals, who cannot afford a lawyer of their own. This bounty is, against and at the expense of the taxpayer. Thus, the taxpayer not only has to pay for nabbing and prosecuting the criminal, but also for helping him to get out any legal harm, that may come his way. One can understand the citizen paying to get the guilty punished. But it appears a bit too thin for the citizen, paying for the accused to evade the punishment for crime committed by him. Thus, the double sufferer is the innocent citizen who has to pay twice for no fault of his own. The courts in the country are cluttered with the cases and due to the sheer larger volume of numbers, it is not possible to dispose off the present work load, for decades to come, even assuming, that no case is added, for the next ten years. If the cases are allowed to drag on, as is happening now, a stage is bound to come when the people

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1. **POLICE WORK, Strategies and Outcomes in Law Enforcement, Edited by DAVID M. PETERSEN, Page No. 79.**

Will take the law in their own hands. There is a limit, to which the patience of the people can be stretched. The case of patience, being exhausted, happened in Bhagalpur in Bihar, when the entire town, went on strike, in favour of the policemen, who had allegedly been suspended, for committing atrocities on the dacoits. This was a case, where people had exhausted their patience, with the criminal justice system. They were in favour of a summary public trial, even though in the eyes of law, such a proposition has no place. This only highlights the need of law, to keep pace with the social changes.

Manning the Police Outpost:

Police outpost is a curious institution. It generally consists of a Sub Inspector or Head Constable and some Constables. It has no legal authority to register a case. It is a poor substitute of a police station. It only communicates the offences which take place, in its jurisdiction. The Head Constable cannot investigate a case unless specially empowered or acting as the officer in charge of the police station. The outpost does not even have the strength to maintain the law and order, because one or two of the constables are used for sentry duty. This is one of the old practice continued, every where in Gujarat State.

The Sentry on Duty: A Wasteful Practice:

A person complained to a police constable on duty at an outpost about a quarrel. He requested his intervention in resolving the dispute. The police constable replied that as he was all alone, on sentry duty he could not leave the post. The complainant pleaded for immediate intervention, as the quarrel otherwise would assume serious proportion. The Constable true to the sentry duty, thought otherwise. He considered it more important, to stick to the outpost office, rather than to save a life. The complainant in desperation after having failed to persuade him to act, stabbed the Constable. The Constable survived the attack, after a dozen stitches, and three weeks of agonizing stay in the hospital. The point to be observed here is that the police is bogged down in routine duties laid down, by the antiquated orders, which nobody has thought fit to amend.

There is no reason, as to why the vast manpower used, just for standing for sentry duty, cannot be diverted to real and effective policing, or for updating the

police records, for effective control on crime and criminals. It is time for police to muster enough grit to dump some of the wasteful practices. Such practices should have been discarded long ago. Policing is becoming more and more difficult day by day, not only for the policemen, but for the public as well. The expectation of the people has been aroused, after the literacy. They expect much more, from their democratically elected representatives, than from the civil servants. The civil servants have many times, to perform the work, of brakes. Nobody ordinarily wants to be stopped and least of all the public representatives, because it is likely to give an impression of dependence, as well as leaning on the bureaucracy. Policemen get caught, in the whirlpool of the state policies, which they neither frame, nor have been consulted before they were framed. The responsibility of the implementation lies elsewhere, other than in the police department in this case.

Cyber Crime: Prevention & Investigation:

Cyber crime has become a reality in India. Airlines are defrauded to lakhs of rupees by tempering with the computerized booking records. In the arms drop case of Purulia, the main players used Internet for the International Communication Computer hackers got into the Bhabha Atomic Research Centre and stolen data. Many other cases are being investigated. Las enforcement officials throughout the World are severely handicapped in tackling the new wave of Cyber Crimes. The biggest impediment they face is total anonymity which the Internet provides to an intelligent hacker. In this article, the challenges that law enforcement agencies are facing vis-à-vis cyber crime and methods of prevention have been highlighted.

1. The Scenario:

Cyber Crimes have become a reality in India, too. Indian Airlines was defrauded to the tune of several lakhs of rupees, by tampering with the computerized booking records. In the arms drop case of Purulia, the main players used Internet for the International Communication, planning and logistics. Computer hackers have also got into the Bhabha Atomic Research Centre **[BARC],** Computer professionals, who prepared the Software for M.B.B.S. Examination, altered the data and gave an upward revision to some students in return for a hefty fee.

A few other cases being investigated in India include loss of 1.39 crores to a nationalized bank where the Computer records were manipulated to create false debts and credits; loss of 2.5 lakhs due to computerized creation of false bank accounts in another nationalized bank, a MTNL official manipulated computer terminals by reversing the electronic telephone meter systems, thereby allowing some companies to make overseas calls without paying.

2. Challenges for Law Enforcement Officers in Investigation of Cyber Crime:

Law enforcement officials throughout the World are severely handicapped in tackling the new wave of Cyber Crimes. The biggest impediment they face is total anonymity which the Internet provides to an intelligent hacker. Getting Internet account in fake names is easy. Moreover accounts can be used and discarded even before the authorities know that a criminal activity has taken place. This renders the problem more intractable for the law enforcement agencies.

Furthermore, there is an International connotation to Computer Crime. The hackers are not hampered by borders and geographical limitations. Traditional jurisdiction doesn’t mean anything any more.

3. Technical, Legal, & Operational Challenges to The Law Enforcement Agencies in Investigation of Cyber Crime:

The Challenges that law enforcement agencies face today to battle with Cyber Crime can be divided into three categories:

(a) **Technical Challenges** that hinder law enforcement’s ability to find and prosecute criminals operating On-line.

(b) **Legal Challenges** resulting from laws and legal tools needed to investigate Cyber Crime; and

(c) **Operational Challenges** to ensure that a net work of well-trained, well-equipped investigators and prosecutors who work together even across national borders.

All three types of challenges require significant resources and a sound legal and policy framework in which to address them. The needs and challenges

confronting law enforcement "are neither trivial nor theoretical." The law enforcement agencies have to prepare themselves to meet these challenges.

(a) Technical Challenges:

When a hacker disrupts air traffic control at a local airport, or when a child pornographer sends computer files over the Internet, or when a cyber talker sends a threatening e-mail to a school or a local church, or when credit card numbers are stolen from a company engaged in e-commerce, investigators must locate the source of the communication. Everything on the Internet is communication, from an e-mail to an electronic heist. Finding an electronic criminal means that law enforcement must determine who is responsible for sending an electronic threat or initiating an electronic robbery. To accomplish this, law enforcement must, in nearly every case, trace the "electronic trail" leading from the victim back to the perpetrator. Tracing a criminal in the electronic age, however, can be difficult, especially if we require international cooperation if the perpetrator attempts to hide his identity, or if technology otherwise hinders our investigation.

Earlier law enforcement rarely needed to be concerned about fighting crime across international borders. This is no longer the case. We know too well the daily challenges we face when combating criminals who do not respect national borders. As networked communications and e-commerce expand around the globe, businesses and consumers become more and more vulnerable to the reach of criminals. The global nature of the internet enables criminals to hide their identity, commit crimes remotely from anywhere in the world, and to communicate with their confederates inter nationally. This can happen in nearly any type of crime, from violent crime, terrorism, and drug-trafficking, to the distribution of child pornography and stolen intellectual property, and attacks on e-commerce merchants.

Criminals can choose to weave their communications through Internet service providers in a number of different countries to hide their tracks. As a result, even crimes that seem local in nature might require international assistance and cooperation. For example, a computer hacker in Oslo might attack the computers of a corporation located only a few miles away. Yet, it is very possible that the OKOKRIM might have to go to American, French, or Danish law enforcement

officials for help in finding this criminal. This would happen if the hacker routes his communications through service providers in New York, Paris, and Copenhagen before accessing his victim's computer.

Naturally, criminals like these, who weave communications through multiple countries, present added complexities to governments trying to find criminals. Mutual legal assistance regimes between governments anticipate sharing evidence between only two countries, that is, the victim's country and the offender's country. But when a criminal sends his communications through a third, or fourth, or fifth country, the processes for international assistance involve successive periods of time before law enforcement can reach data in those countries, increasing the chances the data will be unavailable or lost, and the criminal will remain free to attack again.

At the same time, the global nature of the Internet makes it easy for a criminal armed with nothing more than a Computer and modem, to victimize individuals and businesses anywhere in the world without ever setting foot outside his or her home. The recent denial of service attacks serve as a good example of how easy it can be for cyber criminals to commit crimes across borders, as well as how technical and infrastructure challenges have made international cooperation a necessity.

Electronic Fingerprint:

While less sophisticated cyber criminals may leave electronic "fingerprints," more experienced criminals know how to conceal their tracks in cyberspace. With the deployment of anonymous software, it is increasingly difficult and sometimes impossible to trace cyber criminals. At the same time, other services available in some countries, such as pre-paid calling cards, lend themselves to anonymous communications. All of these technologies make identifying criminals more difficult, even though they have other benefits.

(b) Legal Challenges:

The second type of challenge we face as investigators and prosecutors is in the legal arena. Deterring and punishing computer criminals requires a legal structure that will support detection and successful prosecution of offenders. Yet the laws defining computer offences, and the legal tools needed to investigate criminals using

the internet, often lag behind technological and social changes, creating legal challenges to law enforcement agencies. In addition, some countries have not yet adopted computer crime status.

Hacking and virus-writing and proliferation are not simple pranks, but injuries that have significant security and financial consequences. At a time when the number of crimes carried out through the use of computer technology is increasing at an alarming rate, it is especially important that law enforcement officials around the world demonstrate that such crimes will be punished swiftly and with an appropriate degree of severity. When one country's laws criminalize high-tech and computer-related crime and another country's laws do not, cooperation to solve a crime may not be possible. Inadequate regimes for international legal assistance and extradition can therefore, in effect, shield criminals from law enforcement.

(c) Operational Challenges:

In addition to technical and legal challenges, law enforcement agencies around the world face significant operational challenges. The complex technical and legal issues raised by computer-related crime require that each jurisdiction have individuals who are dedicated to high-tech crime and who have a firm understanding of computers and telecommunications. The complexity of these technologies, and their constant and rapid change, mean that investigating and prosecuting offices must designate investigators and prosecutors to work these cases on a full-time basis, immersing themselves in computer-related investigations and prosecutions.

We also should have dedicated high-tech crime units that can and will respond to a fast-breaking investigation and assist other law enforcement authorities faced with computer crimes.

In addition, because of the speed at which communication technologies and computers evolve, prompting rapid evolution in criminal tradecraft, experts must receive regular and frequent training in the investigation and prosecution of high-tech cases.

4. Create A Cyber-Sensitive Police Force:

The focal point of any crime investigation, including Cyber Crime, rests with the law enforcers. The strategy to comb at these crimes lies in creating a Cyber Police Force for which adequate empowerment in terms of training, infrastructure, motivation and other logistics are required. A beginning should be made in Police Training Colleges, throughout India, where Computer Training should be included as a part of the curriculum. This computer Training should, apart from teaching Data Entry and Computerizing Police Records, should also teach investigation of crimes in Cyberspace.

5. Awareness Education to Specific Target Groups:

The Internet is a totally new and unique form of communication and is full anonymity. There is no signature or photos Ids on the Internet. Therefore, it is very difficult to identify the Cyber-Criminals. Hence, it is always better to create awareness and educate specific target groups like parents, teachers and Internet users on the darker side of the Internet so that it is easy to monitor the users.

6. Police Training in Cyber Crime and Need for A Knowledge Management Cell:

(i) The exponentially increasing number of PC users and Internet users, coupled with an army of Computer literate unemployed/underemployed youth would inevitably give rise to Computer Crime in couple of years in our own cities. Police Stations in our country should be equipped sufficiently to properly investigate such a case. We should propose laws on Cyber Terrorism and Cyber Pornography to be passed by the legislature. While the biggest source of knowledge for this agency would be the knowledge residing in the minds of employees of the organizational database [including all the reports, documents, registers etc.], the agency would have other sources of information as well, like primary data collection from the field the secondary data collection from the books/magazines, libraries, publications, training reports, and the Internet.

(ii) The knowledge would range from that required for policy making (e.g. suggesting a new Cyber Code for prevention and investigation of Computer Crimes)

to simple operational matters of day-to-day importance (e.g. how to hold effective meetings in community Policing programmes).

(iii) The agency mostly would work proactively. It would also cater to specific issues referred to it.

(iv) This agency would neither be a policy formulating and performance evaluator body, nor would if be an implementing body. It would only be knowledge support system for both of the above named functions.

7. Need for An Expert Group: Computer Investigation Support Group:

The growing number of cases in CBI and State Police where computers ranging from digital diaries and notebooks to computer networks are encountered, would perhaps underline the need for setting up in the Central Bureau of Investigation (CBI) and in State Police Hqrs and CID and Detective Department a COMPUTER INVESTIGATION SUPPORT GROUP consisting of Police Officers who are trained and experienced in computer hardware software technology, electronics and telecommunications. Such a unit could also be a Computer Crime or Technological Crime Investigation Unit, on the lines of similar units existing elsewhere in the world, such as in the RCMP (Canada) or the FBI (USA). The Group should be equipped with the required Computer Forensic analysis tools including Hardware and Software. While CBI has already made a beginning, the State Police have yet to gear up their resources on this issue. It may be surprising that Computer forensics, which is a growing and specialized area in Forensic Science and Technology, the world over, is yet to catch the attention of Forensic Experts in India. The BPR&D has developed a programme.

8. Investigation of Computer Crime: Special Considerations:

❖ Investigation calls for knowledge beyond the usual expertise of most IOs.

❖ Involvement of experts with specialized knowledge and skills, useful as well as important.

❖ Special-purpose evidence collection kit.

O Diskettes for storage of files

- Cassette tape drives/hard disks
- Set of utility software
- Operating manuals & instructions for different OSs and Programming languages
- Modem
- Camera & Videography equipment
- Anti-virus softwares
- Seals, packing materials etc.

9. Conducting Search:

A person conducting a computer search should have high-level technical skills for success. A well meaning investigator with amateur skills could inadvertently, but irretrievably, damage the data. When in doubt, rely only on experts. It may be a useful advice to associate and get the cooperation of the computer experts from the victim organization, or target computer system group even if belonging to the suspects or accused, because they will be more conversant with the systems they use than even the experts. Such cooperation could also save valuable time of the experts.

10. Computer Forensics for Investigation:

o Use of computer science for investigation and judicial purposes in handling computer crime.

o Concerned with:

  - Making the computer equipment in question operate properly
  - Retrieval of information
  - Unblocking 'deleted' or 'erased' data storage devices
  - Bypassing or defeating password
  - Deciphering encrypted data
  - Detecting the presence of known virsus

11. Some Important Steps in Forensic Examination:

O Printing out the directory which gives valuable information about the files

- Examination of contents of each file
- Reading the file in 'read only' mode, to avoid allegations of tampering
- Documentation of each step thoroughly
- Authentication of data, photographs and images printed out, for use as evidence in a court.

12. Computer Forensics:

Computer Forensics, a new branch of Forensic Science, is the scientific collection, examination, analysis and presentation of information held on or retrieved from storage media in such a way that it can be used as a potential legal evidence. The evidence sought might be from a wide range of Computer Crime or misuse, including violations of intellectual property rights and fraud. To discover data that resides in a Computer System, or recover deleted, encrypted or damaged file information, the Computer Forensic Scientist can draw on an array of methods. The information generated during the course of the examination would be of help in the investigation of crime and deposition in the courts of law. Computer Forensic approach should include well defined procedures to address various tasks involved in the investigation of digital evidence and the ability to repeat tests to arrive at the same conclusion by any other competent authority. The expectations from Computer forensics are divergent from the more traditional forensic science branch like Forensic Physics, Toxicology etc.

13. Forensic Investigation of Digital Evidence:

Forensic investigation of digital evidence can be divided into three main areas, which are: 1. Embedded system, 2. Open System & 3. Communication system. In Information Technology, modernization and obsolescence is the norm and not an exception. The reasons for the difference in perception is the very high rate at which the Computer Technology changes. In about 18 months time, the processing speed doubles and a system is totally obsolete in a few years. New forms and techniques of data storage are continuously being developed. Similar changes have also taken place

in Computer applications, which affected the type of information being stored in Computers. The frequent changes in technology and protocols provide opportunity to both hi-tech criminals as well as to forensic investigators. Therefore, Computer Forensic methods would not have the time to establish themselves like the traditional forensic methods. Further, the speed with which Information Technology changes cannot be maintained in Computer security matters, thereby providing undue advantage to a criminal, compared to a Computer Forensic Scientist.

14. Investigation of Computer Crime:

Investigators are required to be conversant with the basics of computer and information technology, including telecommunications, for an effective inspection of the computer systems in site, for retrieval of data from the computer system, and in making seizures of the storage media such as floppies, magnetic tapes or hard disks and in the seizure of computer systems.

As technology develops, so the capacity for abuse and misuse increases. The Computers can be associated with almost any crime, from theft and fraud to paedohilia and murder. Electronic data found on Computers can provide the key to successful investigation and prosecution. Investigation of crime and forensic analysis thereafter is an extremely complicated affair, if the crime is committed by unauthorized access to the computer Network, since the number of places where the evidence could be searched is unlimited. For example when a cheque is forged, that would be the only disputed instrument or crime exhibit. On the other hand, in Computer related white-collar crimes, the same evidence could be found in different formats. Take the case of investigation of distribution of pornographic material, where the evidence, in the form of images, can be stored in different formats. A document could be stored in a Computer in different types of files. The probable sources of obtaining the paper-based evidence were few in numbers, which in case of Computer based evidence have increased manifold. A small Floppy Disk could contain such huge amount of evidence that was unthinkable a few years ago. With the rapid increase in capacity of storage media, the work of forensic scientists has grown disproportionately. There would be a spurt of white-collar crimes where Computers are used rather than paper and ink. This would be the future challenge for forensic scientists and they have to quickly gear up to face these challenges.

15. The Computer Crime Evidence:

15.1 Preserving Electronic Evidence:

Before a computer expert is called in, the investigator has to preserve the electronic evidence and protect it from tampering and destruction. Even after the seizures are made, the data will have to be retrieved from the computers and analysed to convert the data into information or evidence, which can be made admissible in a Court of Law. The enormous storage capacity of the Computer, and the fact that electronic data is easily perishable, makes computer search and seizure operations extremely sophisticated and complicated. Major problems arise when the data is encrypted or access to the systems or files is prevented through passwords, or when the storage media gets damaged or corrupted with the introduction of viruses.

15.2 In white-collar crime investigations, the evidence would often be paper based, which cannot exist in many forms. It is, therefore, not a very tedious job to look into a number of documents and verify the authenticity of the writing to fix their authorship. Unlike paper evidence, the digital evidence can exist in many forms on a Computer Disk, which can be discovered either in the earlier versions or in alternate forms, or at different places in different formats. For example, an image can be scanned and stored in different formats and converted from one to another, with the knowledge that an image files could be subjected to a thorough examination and evidence discovered. Digital evidence could also be found in more than one places like on a single Computer or on a Local Area Network or on the internet. Computers provide large storage space for a person to hide the information and make it difficult for others to search. The facility to store the same data in different formats makes the task more difficult. It is like searching a needle in a haystack. Most of the software vendors have incorporated many security features that enable the user to hide or protect their files. These features, if not disabled properly, would lead to loss of information that could be vital for investigation. A Computer Forensic Scientist is aware of the different types of Hardware and Software that may be in use in the suspect environment. Though they may appear to be different, the architecture of many of the systems are similar and an expert is in position to quickly come to terms with the new surrounding and help in the investigation.

16. Recovery & Protection of Computer Crime Evidence:

Unlike paper evidence, Computer evidence can often exist in many forms, with earlier versions still accessible on a Computer disk. Knowing the possibility of their existence, even alternate format of the same data can be discovered. The discovery process can be served well by a knowledgeable expert identifying more possibilities that can be requested as possibly relevant evidence. In addition, during on-site premises inspections, for cases where Computer disks are not actually seized or forensically copies, the forensic expert can quickly identify places and signs to look for, and additional information sources for relevant evidence. These may take the form of earlier versions of data files (e.g. memos, spreadsheets) that still exist on the Computer's Disk or on back-up media, or differently formatted versions of data, either created or treated by other application programmes (e.g. word processing, spreadsheet, e-mail, timeline, scheduling, or graphic).

17. The Process of Investigation and Consistency of Evidence:

Investigation is the first step in finding out truth. A complaint made to the police, of a cognizable offence, under the Indian Penal Code, can only lead to the investigation. During the investigation and in an effort to find out the truth, some angularities slip in, or are slipped in, to help the accused person. It brings a bad name to the police. The lapses of a few tarnish the entire department. Sometimes, the complainants exaggerate the gravity of the offences and falsely implicate individuals. This tendency finds pronounced expression, in mass participation offences, like riot cases. In such cases, the complainants try to involve all the male members of a family, including children of tender age, and old and infirm people. Different parts are attributed to the small children, and old people to implicate them in the criminal investigation and the cases. Often, the number of injuries, in an occurrence indicates the participation of a much smaller number of persons, than what are said, to have jointly taken part, in an attack. Another feature is, that investigating officer, almost invariably adheres to the version of the occurrence, as given in the First Information Report **(FIR).** This is irrespective of, his actual findings, in the investigation. The investigation officer is afraid of departing, in any manner, from the story set out in the First Information Report, however, false or improbable it may be. He is apprehensive, of failure of the case, in the court, on this account. He feels that it is

more important for evidence to be consistent, than to be probable, and in accordance with the human nature.

The investigator fears the complainant. If the story of the complainant is not accepted in entirety and the investigator starts finding out what the truth in regard to an occurrence, and collect evidence in support of it, regardless of the desire of the complainant, the complainant might start a campaign of vilification against the investigator. There is a likelihood, of a spate of complaints against him to the superior officers. The higher authorities prefer the safe, conventional and time tested method of going to the court, with a case in accord, with the First Information Report and produce such evidence as supports it entirely, leaving the discovery of the truth to the court.

Determining the Criminality or Innocence of the Act:

The Court has to depend, on the investigating agency, to lay bare the truth. Passing on the buck, is a wrong approach. It is an abandonment of the task of the investigator. It needs courage of conviction; in the initial stages to put the matters right and insist on the truth, being brought out. The other defects are, the false implication, or the use of weapon, more dangerous than the accused carried. It is generally noticed that when the medical report, negates use of such a weapon, or the part played by the person, carrying it, are put before court the guilty are let off, because of the use of wrong weapon, attributed to him, or the wrong parts assigned to him. Occasionally, this kind of defect, recoils on the whole case. Doubts are cast, whether the occurrence was witnessed, by the persons claiming to have witnessed it, or that it happened under conditions, when the assailants were visible, or could be recognized. Other type of cases in which the accused too have been injured, though they themselves may have been aggressors and injuries may have been caused by the complainant and his men also are likely to have no prospects of success. This is so, as initially no effort is made, at the time of recording of the First Information Report, whether the other parties also received injuries at the relevant time.

It is also a fact, that the complainant will, rarely mention the fact, of the accused, having been injured. Even if he does so, the investigating officer seldom, makes an effort, to find the truth, as he himself wants to prove the guilt of the accused. Even if the informant divulges this fact, to the investigation officer, the

investigator omits to mention the factg in the records, leaving it to be denied, or explained according to the needs of the situation. The investigator seldom realizes that where both the parties in the fight have received injuries, the circumstance in which each party is injured is of vital importance. The criminality or the innocence of an act, has to be determined, not by the act itself, but mainly by the circumstances in which it was done. It is best to have, a fairly complete picture, of the entire occurrence in the First Information Report (FIR) itself. This is in order to allay any criticism that there was not only an omission to explain the injuries of the accused, but a studied attempt to conceal any fact. It has been observed, even during investigation, instead of frankly coming out with the case, that the accused persons also received injuries at the hand of the deceased or the complainant and their helpers, grossly improbable stories like the injuries having been accidently received at the hands of their own party are introduced. In some cases, the fact of their having received injuries is concealed and when the injuries are proved, by the entries made in the jail records, it becomes, too late, to explain. The investigating officer need remember that if the accused are really aggressors and the prosecution really admits it and also the fact that the accused were also injured in the fighting, it would inspire more confidence in the mind of the courts. The case would have better chances of success.[1]

CHEMICAL, PHYSICAL & BIOLOGICAL MICROTRACES:

UNNOTICED VITAL EVIDENTIARY CLUES IN CRIME INVESTIGATIONS.

In the present day's society, the main forte of the judicial proof – oral evidence – has been rendered not only rare but also highly undependable and unreliable. Quite a few of them jump the fence for money, fear of retaliation by the accused, self-interest and moral values on individual level. In the present trend of committing crime, the accused is very much aware about the usual incriminating evidence like finger print, foot print, blood stain, hair, etc. that he is likely, to pick up or leave at crime scene. He, therefore, while committing a crime, takes care of not leaving the usual evidence, which could be used against him. Occurrence of such

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1. Criminal Trail and Investigation by Orient Publicing Company, New Delhi, by P.C.Benerjee, 5th Edition.

gross evidentiary clues is now dwindling. Micro traces involve in all types of biological, chemical and physical entities, the only thing which is common between them being their minute size and amount. Their nature and constitution varies from one place to another or one case to other. According to the French Scientist, Sir Edmond-Locard, “Whenever two entities come into contact, there is an exchange of traces mutually”. This is known as the ‘Principle of exchange’. In other words, it means that when a culprit and his object of crime come into contact with the victim or the object surrounding him, they leave traces. Similarly, the criminal and his object pick ujp traces from the same contact. Therefore, an exchange of trace matrix always takes place between the culprit and the victim or deceased, weapon of offence and the crime scene. These micro traces need to be identified to the original source i.e. the criminal and weapon of offence, and if linked with the victim or deceased and objects surrounding him at the crime scene, then involvement of the culprit in the crime could be established without reasonable doubt.

These days, criminals commit crimes in a sophisticated matter. Hence, they are likely to leave and carry minute traces. It is high time for investigation officers to shift their focus on a thorough search of these minute traces and connect the criminal with the crime as effectively as the gross evidences, perhaps more subtly. Since micro traces are exchanged in all the crimes and often remain unnoticed by the accused, hence these are to be vital clues in the identification of the accused and his associates with the deceased and the crime scene. Micro trace evidence can have as high evidentiary potential as any other piece of evidence. The smallest clue material can be identified and matched with the possible source of origin, with the help of the latest science and technology.

Types of micro traces:

There is a large variety of micro traces. However, these involve all types of chemical, physical and biological entities, the common denominator being their small size. These have to be minute particles in traces, which are figured in crime investigation. In general these can be microorganisms, organic and inorganic, plant materials or from animal origin, in the solid, liquid and gaseous states. During crime investigation, these micro traces are found in the following types more frequently:

Dust:

Dust is the minute particle residue of the universe that is crumbling under the forces of nature and human beings. Since these particles are characteristics of their source, easily transferred between objects and persons, and as transfer is difficult to prevent, dust has special significance in forensic science. It is a general name for all types of substances in extremely small size particles. Therefore, it represents the environment of a place, nature of soil, mineral, weather condition, its fauna and flora. Study of dust indicates the activities of the accused, the victim, movement of objects of the accused and the victim, like vehicle, clothing, and weapon of offence, stolen property through various places, climes and terrain. It is the most variable micro trace, which changes from place to place and person to person. It is a result of environment of a place, geographical feature of the land and activities of man on it.

Generally, dust consists of traces from the animal origin like ting particles of feathers, hair, skin, bone, flesh, and blood, other body fluids, excreta, etc. Nature of dust depends upon profession or business of the person; hence it is very much significant for the identification of culprit and victim. Accordingly, their surrounding objects and dead bodies for example of a miller, textile mill worker, farmer, carpenter, safe breaker and coal miller may carry flour of various grains, fibrous fluff, soil or plant materials, wood dust, saw dust and coal dust respectively. Dust is a heterogeneous mixture; it may contain anything and everything in traces, therefore, source of these traces could be as the followings:

- ***Human origin materials***: Such as hair, skin, flesh, bone fragments, nail, blood and other body fluids, etc.
- ***Animal origin materials:*** Like blood, excreta, bones, insect fragments, feathers, hairs, skin, furs, horny parts, flesh, etc.
- ***Plant origin materials:*** Such as bark, twinges, leaves, flowers, pollen, seeds, starches, woods, hairs, fibers, etc.
- ***Earth Materials:*** Like rust, diatoms, soil, sand, pieces of stone, minerals, metals, etc.

- ***Artificial substances**:* Like glass, mortar, paint, enamel, paper, sawdust, dyes, chemicals, plastic material, food materials, synthetic fibers and materials, salts, polythene, etc.

- ***Other Materials**:* Such as microorganism, sub-life materials, etc.

Soils:

Soils are frequently available in most of the outdoor crimes. These are earth materials and have great significance as evidence in forensic investigations. Since the natural constituents of soil differ from place to place, its individuality can easily be established. Further change in its constitution also takes place as wind may take away or bring fine soil particles, plant, animal or even human materials. Appropriate examination of soil can provide a linkage of the culprit and his objects to the victim or deceased and his object and also the crime scene.

Fibers:

Exchange of fibers frequently takes place between the culprit, the victim or deceased and the scene of crime. Every one in the world is surrounded by fibers and therefore, transfer and pick-up of fibers take place even in his routine functioning. Possibility of such transference and cross transference is much more during criminal activities. Mutual exchange, once established, clinches the crime against the accused, as it provides the necessary corroboration, especially in cases of offences against person, to the main evidence of the victim and the eyewitnesses. Fibrous evidence remain unnoticed, hence, the culprit does not destroy it and also remains unhampered. They can provide excellent evidence against the culprit even after long period of time. Although fibrous evidence has been considered to offer no individualized features, but due to their chemical composition, their manufacturing process, optical properties, presence of dyes, dimensions and presence of impurities, these can be highly individualistic.

Glass:

Glass is said to be supper-cooled liquid, consisting of a variety of oxides. It is one of the commonest micro traces, found in most of the criminal activities with unlimited variety. Its evidentiary value has great importance due to the following factors:

- ***Found in various crimes*** Minute particles of glass are always occur at crime scenes of hit and run, house breaking, theft from the vehicles, show-rooms, shooting through glass window or door, rape cases where bangles are broken, brawls where glass bottles have been used as weapons.

- ***Highly individualistic nature*** Glass has almost unlimited compositions, hence a single manufacture can produce more than one lac formulations. Raw materials used for its manufacture also create large variations, therefore, the compositional variations are found even in one batch to another.

- ***Durability and inertness:*** If it is not taken away, the evidence remains undestroyed and uncontaminated for a long period. Consequently, it can be collected and examined even at a later day if found at the crime scene, on the accused or deceased and their objects.

- ***Remain unnoticed:*** Minute glass particles often remain unnoticed by the accused as pickup on his clothing, shoe-soles, vehicle, hair or other objects. Carpet and floor of the room, sofa-cover, and bed-sheet may also contain these particles and remain unnoticed.

LOCATION OF MICRO TRACES:

The most common denominator of various micro traces is their small size and amount. Often they remain unnoticed not only by the culprit, but sometimes by the investigating officer also. Therefore, a different kind of approach is required to locate these traces. Investigating officer should know their possible locations during investigation process. The main sources for the micro traces are as the followings:

Crime Scene:

It is the richest source of trace evidence because both the culprit and the victim come into contact with the crime scene almost in all the criminal activities. Blood stains, semen, other body fluids like saliva on cups, glasses, cigarette stubs, ash from cigarette or bidi, dust, fibers, leftover garments, shoes, weapon of crime, vehicle or other objects always carry trace evidence. These are vital evidences to link the culprit with the crime scene as well as the victim. Apart from trace evidence left at the scene, the culprit carried away some traces from the scene also, which provides

matching evidence. The culprit may carry tiny glass fragments, dust leaves, seeds, pollen, fibers, and sand for a long time in his shoes, clothing, and hair, on vehicle or on his body. These pieces of trace evidence can be matched with the similar samples preserved from crime scene.

Victim:

The victim or deceased may carry trace evidence transferred from the culprit and crime scene as well as his own body or objects. In a close range shooting case, he may contain gunpowder residues at and around the entry wound or on his working hand in a suicide case. Dust, soil, hair, fibers, oil, grease, paint and glass fragments may be found on the body or clothing in a hit and run case. In case of killing by poisoning, middle marks or even traces of poison at the point of administration may also be found. The victim may also provide matching evidence such as thread or wool fibers, feather fragments which can be matched to the traces that the culprit has picked up from the victim.

Culprit:

The most important task for the investigating officer is to locate trac e evidence on the culprit and his objects. The culprit may carry tiny evidence on his clothing, hair, shoes, underneath of nails, private parts in case of sexual offence, vehicle, weapon of offence, and pocket of clothing, etc. Traces may be in the form of stains of blood, semen or other body fluid material and dust particles sticking on his body or clothing. Sometimes he may carry the traces of drug or liquor even in his breath, blood or body. The culprit definitely comes into contact with the victim and crime scene; consequently, he carries matching evidence to the traces left at the crime scene or with the victim or his objects.

Weapon of offence:

Tell-tale micro traces are often on the weapon with which crime is committed. In the gunshot case, firearm may contain gunshot trace; it may contain blood, skin, hair, flesh or even tiny bone particles sticking at the muzzle end or inside the barrel. Besides blood stain, the sharp edged weapons such as knife, razor, and axe may

contain tiny hair on them. In many7 cases, traces left by the weapon in the form of marks and injuries on the victim or deceased may provide the trace evidence.

Vehicle involved:

In the today's crime, most of the criminals use vehicle to escape from the crime scene as early as possible. Sometimes transportation of dead body, stolen properties, contraband goods, or even kidnapped person is carried out by the vehicle. The vehicle involved in the crime often carry traces of blood, other body fluids like saliva, dust, hair, fibers, cigarette stubs, cigarette ash, perspiration, etc. Soil, mud, dust or sand picked up by the vehicle from the crime scene provides a useful link between the vehicle, crime scene, the victim and thereafter with the criminal.

Significance of micro traces:

Micro traces like any other piece of evidence has high evidentiary value and can help the criminal investigation as described below:

- ❖ Identification of vehicle, weapon of offence, the victim and object surrounding him and the crime scene.
- ❖ On the basis of examination results, the suspect and his objects linked or de-linked with the victim or the crime scene.
- ❖ Statements made by the accused, the victim or the eyewitness can be verified.
- ❖ Provides leads to investigation, such as homicidal, suicidal or accidental nature of the incident can be decided at the initial stages.
- ❖ Helps in the reconstruction of the crime scene, especially in hit and run, suspicious death cases.
- ❖ Modus operandi and sequence of events can be decided on the basis of micro trace examination.
- ❖ Provides guidelines for further investigation and collection of evidences.

18. Duties of a Sub-Inspector Investigator:

Investigation is a laborious process. The amount of time spent is directly proportionate to his total workload. Beyond a humanly possible workload, the quality of the work is bound to suffer. The number of investigations which can reasonably be handled by an investigating officer should be fixed with reference to the capacity and quality of cases. At the present the duties of the Sub-Inspector or officer incharge of a police post, are generally, as under:--

Patrolling and surveillance over the bad characters.

To make law and order arrangements for various religious festivals and fairs, and political parties meetings and VIP visits.

To conduct enquiries into the numerous complaints and representations of the public.

To make enquiries in respect of firearms licenses applications.

To serve court processes and execute warrants.

To make arrangements for elections to Parliament, State Assembly, Local bodies and panchayats.

To make security arrangements during the visit of the VIPs.

To handle communal or civil disturbances or other agitations as well as the students agitations and agitation of Government employees, and other section of the community.

To conduct morning parade for the staff and allocate duties to them and to ensure that the same are performed efficiently and well by the staff and to keep the staff under control and discipline.

To make preparation and maintenance, of various crime records, of the Police Station, as laid down in various orders and the police manual.

To deal with law and order situations, which may arise from time to time, on various issues, not necessarily concerned with the police or policing directly.

To look after, the court cases of the Police Station.

To conduct inquest into the cases of natural or suspicious deaths reported in his Police Station. He also has to look into those cases, which may give an impression of foul play, as the margin between the unnatural death and murder is very thin.

To maintain liaison with the local officers like the medical officer, the executive magistrate, the local respectable citizens of the locality.

To have the identification parades of the suspects and the accused conducted. He also has to have the stolen property identified.

To ensure the safe custody of the arms and ammunition, government property and records.

To maintain all the records in the police station.

To appear before the Court of Law at the time of the trial of the cases investigated by him even though at the time of trial he may be transferred at a very far away i.e. 800 kms. Away from his previous police station.

The above list of the duties is only illustrative and not exhaustive. This indicates the heavy workload of the investigator, hardly leaving him any time, for sustained investigating work.

The Police Commission also noted as it was urged by the investigators themselves as well as senior police officers and others that even the norms of 40 to 50 investigations recommended by the Police Commission in 1970-71 was on the high side and that even these norms have now been stretched almost to a breaking point. Against the heavy workload, heaped on the Sub-inspector of Police, the Second Police Commission analyzed the time available for the Sub-Inspector to collect evidence which is the raison d' etre of the investigation. It observed: "In a year, a Sub-Inspector can get 30 days earned leave and 24 days casual leave. I feel that this leave should be given to a sub-inspector, in view of the difficult and exciting nature, of his duties, which he has to perform, round the clock, but is not being given freely, as it should be owing to increasing pressure of duties and shortage of manpower.[1]

Norms of Cases Inspected per Investigator:

A sub-inspector is thus left with 311 (365-30+24) days in a year. During this period he has mainly:

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1. INSIDE INDIAN POLICE by JOGINDERSINGH p.93-94.

To attend the monthly staff meeting at the District headquarters this takes another 12 days in a year.

To make security and other law and order arrangements during fairs, festivals, VIP visits, agitations, flood, processions, to maintain law and order during Board and university examinations etc, which occupy at least 120 days in a year at an average rate of 10 days per month.

To attend for deposition in old court cases in various courts of states at least 48 days in a year at an average rate of 4 days per month.

An actual period of 311 – (52+12+120+48) = 79 days is only thus available to an investigator for completing 40 to 50 cases per year, as the case may be. The availability of the Investigating Officer, on working days, for attending the court and the headquarters, assuming that he is not taking any holidays for his personal and family work an average time of 2 to 3 days, is in effect available, to an investigator for completing the investigation. During this period of 3 days, per case for investigation, the investigating officer, has to visit the scene of crime, at least once, if not more, organize raids and searches, collect and pursue clues, prepare case diaries and other relevant documents, contact witnesses and comply with other procedural requirements of the investigation. Each of these steps, of investigation, is time consuming. It requires concentrated attention. Only then the quality of investigation can be improved. Obviously, this average period of 3 days per case, for investigation, is grossly inadequate, for a thorough and proper investigation.

One solution in big cities, with a population of over one lakh, where functional separation exists, between ‘law and order’ and investigation, the norms should be reduced to 24 cases for investigations per year per investigating officer. And in the urban and rural police stations, the norms should be 30 cases for investigations, per year per investigator. The strength of the investigators at each police station should be fixed in accordance with the norms suffested above or any other norm, which the Department or the Government may fix. The numerical strength, of investigators, at each police station should be, reviewed every year, by the government in consultation, with the State Police Chief so that the cases are investigated efficiently.

It should be ordered, that at least one important or complicated case, per year, would be investigated by each Superintendent of Police, himself. This is to ensure,

that the Superintendent of Police, is in touch with the ground reality and the pitfalls in the investigation. This considerably improved the quality of investigation. With the expanding scope of police investigations growing complexity of crime, and the continuous advances, in the methods of tackling them, there is a need for scientific and constant evaluation and up-gradation of the police procedures, practices and operations followed in the fields of investigation, prosecution and prevention of crime. The amount of time spent is directly based on the seriousness of each case.[1]

19. PROCEDURE FOR INVESTIGATION:

If, from information received or otherwise, an officer-in-charge of a police station has reason to suspect the commission of an offence which he is empowered under Section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and if necessary to take measures for the discovery and arrest of the offender :

Provided that --

when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer-in-charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

if it appears to the officer-in-charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in clauses (a) and (b), the officer-in-charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section and, in the case mentioned in clause (b) of the said

1. INSIDE INDIAN POLICE BY JOGINDERSINGH . p.95-96.

proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated.

Commencement of investigation by Police Officer.—the commencement of investigation by a police officer is subject to two conditions, firstly, the police officer should have reason to suspect the commission of a cognizable offence as required by Section 157 of Cr PC. The Police Officer should subjectively satisfy himself as to whether there is sufficient ground for entering on an investigation even before he starts an investigation into the facts and circumstances of the case as contemplated under clause (b) of the proviso to Section 157(1) of Cr PC.

Investigation by Police—Sub-section (1) of Section 157 of Cr PC indicates the basis on which investigation may be commenced. The words clearly indicate that before the Police Station Officer of the Police Station commences an investigation he must be satisfied whether from the information received by him or otherwise there is reason to suspect that a cognizable offence has been committed. This shows that he has to apply his mind independently in order to find out whether he should or should not commence investigation and in order that he may form an opinion independently under sub-section (1) of Section 157 of Cr PC, there must be facts necessary for raising a suspicion that one or more cognizable offence or offences have been committed. If such facts are not available to the P.S.O. of the Police Station and what is communicated to him is mere allegation devoid of facts constituting the offence he would not be in a position to independently apply his mind for the purpose of taking action under sub-section (1) of Section 157 of the Cr PC. It is not as if on a vague allegation which is not accompanied by a statement of facts showing the commission of a cognizable offence can be a sufficient basis of commencing the investigation.

Investigation—Factious rioting—I.O. guilty of offence punishable under section 192, IPC.—Accused was assaulted by deceased. Immediately in retaliation accused assaulted deceased and caused his death. Case and counter case was made out. Both the incidents took place at the same time and at the same place. Investigation should be conducted by one and the same I.O. I.O. had misused powers of recording the statement of witness under Section 161(3), Cr PC and deliberately manipulated the statements to benefit the accused at the time of trial. I.O. was guilty

of committing offence punishable under Section 192, IPC. **(Babu v. State of Karnataka, 2007 Cri LJ 3802 (Kant).)**

PROCEDURE WHEN INVESTIGATION CANNOT BE COMPLETED IN TWENTY-FOUR HOURS.

Whenever any person is arrested and detained in any custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 57, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has no jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole, and if he has no jurisdiction to try the case or commit it for trail, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that-

> The Magistrate may authorize the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused in custody under this paragraph for a total period exceeding—
>
> ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;
>
> sixty days, where the investigation relates to any other offence and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed

to be so released under the provisions of Chapter XXXIII of Cr PC for the purposes of that Chapter,

No Magistrate shall authorize detention in any custody under this section unless the accused is produced before him;

No Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorize detention in the custody of the police.

Notwithstanding anything contained in sub-section (1) or sub-section (2),of section 167 of Cr PC, the officer-in-charge of the police station or the police officer-in-charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate may, for reasons to be recorded in writing, authorize that detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorized, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for, such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2).

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in-charge of the police station or the police officer making the investigation, as the case may be.

Alteration of remand order from Section 167(2) to Section 309 not proper.—If challan is filed before the expiry of the maximum period for which an accused be detained in custody under section 157 further remand to custody can be ordered under Section 309. No maximum period of remand is provided for under Section 309. The

Magistrate, however, cannot postpone the release of an accused under Proviso (a) to Section 167(2) after the expiry of 90 days or 60 days, as the case may be, just to enable the police to file the challan and to alter the detention under Section 167 to one under Section 309. If the accused of his own or on being told of his right by the Magistrate is prepared to furnish bail, the Magistrate must order the accused to be released on bail, without waiting for the challan and must release him when bail is furnished. (**Umashankar v. State of Madhya Pradesh, 1982 Cri LJ 1186 at 1189 (MP).)**

MEDICAL EXAMINATION OF THE VICTIM OF RAPE:

Under Section 164-A of Cr.PC Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with woman rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely—

The name and address of the woman and of the person by whom she was brought;
The age of the woman;
The description of material taken from the person of the woman for DNA profiling;
Marks of injury, if any, on the person of the woman;
General mental condition of the woman; and
Other material particulars in reasonable detail.

The report shall state precisely the reasons for each conclusion arrived at.

The report shall specifically record that the consent of the person competent to give such consent on her behalf to such examination had been obtained.

The exact time of commencement and completion of the examination shall also be noted in the report.

The registered medical practitioner shall, without delay forward the report to the investigation officer who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.

Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Objects and Reasons of 2005 Amendment.—This clause seeks to insert new Section 164-A in the Code to provide for a medical examination of the victim of a rape by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner by any other registered medical practitioner.

EXAMINATION OF ACCUSED BY MEDICAL PRACTITIONER AT THE REQUEST OF POLICE OFFICER.

According to Section 53 of Cr PC the investigating agency has powers to Examine the accused by medical practitioner under the following circumstances:-

1. When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of Sub-Inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

2. Wherever the person of a female is to be examined, under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner.
3. “examination” shall include the examination of blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

EXAMINATION OF PERSON ACCUSED OF RAPE BY MEDICAL PRACTITIONER:

The Section 53-A in Cr P C is amended by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005). This clause assigns vide powers to the I.O. The Section 53-A reads as under :- [53-A. Examination of person accused of rape by medical practitioner :--(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometers from the place where the offence has been committed by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

EXAMINATION OF ARRESTED PERSON BY MEDICAL PRACTITIONER AT THE REQUEST OF THE ARRESTED PERSON.

According to Section-54 of Cr PC the arrested person has a right to request for his Medical Examination.

(1) When a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the

period of his detention in custody that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any offence against his body, the Magistrate shall, if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice.

(2) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the registered medical practitioner to the arrested person or the person nominated by such arrested person.

IDENTIFICATION OF PERSON ARRESTED:

Section 54-A is amended in Cr P C by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) for Identification of person arrested.—Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction, may on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit.

OBLIGATION OF PERSON MAKING ARREST TO INFORM ABOUT THE ARREST, ETC. TO A NOMINATED PERSON.

One important section is also inserted by Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) as [Section 50-A. Obligation of person making arrest to inform about the arrest, etc. to a nominated person.—(1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information. (2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station. (3) An entry to the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government. (4)

It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub section (2) and sub-section (3) have been complied with in respect of such arrested person.]

RECORDING OF CONFESSIONS AND STATEMENTS:

Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under S.164 of Cr PC or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

Provided that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

RELEASE OF ACCUSED WHEN EVIDENCE DEFICIENT:

If, upon an investigation, it appears to the officer-in-charge of the police station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before Magistrate empowered to take cognizance of the offence on a police report, and to try the accused or commit him for trial. (Cr PC 169).

If the police has submitted a report (final) under Section 169, certainly the Magistrate cannot take cognizance on a police report. But he can take cognizance under Section 190(1) (c) sue motto. He can take cognizance on a complaint filed by the person concerned. (Abhinandan Jha v. Dinesh Misra, AIR 1968 SC 117).

Acceptance of final report judicial act.--When a final report is submitted, and the Magistrate accepts it he acts a Court. The acceptance of the final report is a judicial act.

Action by Magistrate at final report.—When a final report is submitted the Magistrate can either direct that further investigation be made under Section 156(3) of the Code or take cognizance of the offence under Section 190(1)(b) of Criminal

Procedure Code or accept the final report. (H.S.Bains v. State/Union Territory of Chandigarh, AIR 1980 SC 1883).

Final report submitted by police.—The Magistrate has no power to call upon the police to submit a charge-sheet, if the police have submitted final report under Section 169, Cr PC that no case was made out for sending up an accused for trial. (Abhinandan Jha v. Dinesh Mishra, AIR 1968 SC 117).

The provisions of Sections 169 and 170 Cr PC do not apply to investigation under some other law.

Magistrate cannot order for charge-sheet.—the opinion of the officer-in-charge of the police station whether the accused should or should not be sent for trial is final. On the submission of a report under this Section, a Magistrate has no power to call for a charge-sheet from the police officer concerned. **(Abhinandan Jha v. Dinesh Misra, AIR 1968 SC 117).** But he can order the police to continue the investigation. (**Nirmal Singh v. State of U.P., 1979 Cri LJ 226.)**

Under Cr PC 168 when any subordinate police officer has made any investigation, he shall report the result of such investigation to the officer in charge of the police station. The Section puts the responsibility of an investigation on the officer-in-charge of the police station. If an investigation is made by some subordinate police officer he shall submit the result of his investigation to the officer-in-charge of the police station, and he will forward the report to higher authority. **(H.N.Rishbud v. State of Delhi, AIR 1955 SC 196).**

REPORT OF POLICE OFFICER ON COMPLETION OF INVESTIGATION:

Every investigation under Cr P C shall be completed without unnecessary delay.

As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government stating,---

The names of the parties;

The nature of the information;

The names of the persons who appear to be acquainted with the circumstances of the case;

Whether any offence appears as to have been committed and, if so, by whom;

Whether the accused has been arrested;

Whether he has been released on his bond and, if so, whether with or without sureties;

Whether he has been forwarded in custody under Section 170.

The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

Where a superior officer of police has been appointed under Section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

When such report is in respect of a case to which Section 170 applies, the police officer shall forward to the Magistrate along with the report,--

All documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

The statements recorded under Section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

If the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

Where the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies of all or any of the documents inferred as above.

Nothing in Section 173 of Cr PC shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).

It is a well settled law that when the report is filed under Section 173(2)(1), Cr PC by the Police after investigation before the Magistrate, two different situations may arise. The report may be a charge-sheet (positive report) or may be a referred report (negative report). In the case of charge-sheet, the Magistrate may do one of the following three things:

he may accept the charge-sheet and take cognizance of the offence and issue process, or

he may disagree with the report and drop the proceeding, or

he may direct further investigation under Section 156(3) and require the police to make a further report.

In the case of referred report, the Magistrate again has an option to adopt one of the three courses as mentioned below:

he may accept the report and drop the proceedings; or

he may disagree with the report by taking the view that there is sufficient ground for proceeding further, take cognizance of the offence and issue process, or

he may direct further investigation to be made by the police under Section 156(3), Cr PC.

DIARY OF PROCEEDINGS IN INVESTIGATION:

Every police officer making an investigation under Cr PC shall day-by-day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any criminal court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the police officer, who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of Section 161 or Section 145, as the case may be, of the Indian Evidence Act, 1872, shall apply.

Failure to keep police diary—Evidence of police officer not admissible.— Section 172 of Cr PC does not deal with any recording of statements made by witnesses and what is intended to be recorded is what the police officer did, namely, the places where he went, the people he visited and what he sae, etc. It is Section 161, Cr PC which provides for recording of such statements. Assuming that there is failure to keep a diary as required by Section 172, Cr PC, the same cannot have the effect of making the evidence of such police officer inadmissible and what inference should be drawn in such a situation depends upon the facts of each case.

Non-examination of investigation officer—Not **per se** vitiate criminal trial.— FIR was lodged almost within half an hour of the incident by the injured witness who apart from discomfort on account of injury sustained by him was likely to be completely upset at the unfortunate incident of killing of his close relation before his eyes. In such circumstances, omission to mention of the fact of leaving the arms of the deceased by the accused just at the time of firing is understandable. **(Behari Prasad V. State of Bihar, AIR 1966 SC 2905).**

Use of diary by the Court.—A Court can send for a police diary of a case and can look into it for aid in such enquiry and trial. He is not to be influenced by the case diary in the decision of the case. (**Jyoti Jivan v. State, AIR 1964 Cal. 59).**

STATEMENT OF POLICE NOT TO BE SIGNED: USE OF STATEMENTS IN EVIDENCE: Cr PC 162.

No statement made by any person to a police officer in the course of an investigation under Cr PC, shall, if reduced to writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose, save as hereinafter provided, at inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved may be used by the accused and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act 1872 and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

Nothing in this section shall be deemed to apply to any statement falling within the provisions of clause (1) of Section 32 of the Indian Evidence Act, 1872, or to affect the provisions of Section 27 of that Act.

SEARCH BY POLICE OFFICER:

Whenever an officer-in-charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorized to investigate may be found in any place within the limits of the police station of which he is in charge, or to what he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of the belief and specifying in such writing, so far as possible, under S.165 Cr PC, the thing for which search is to be made, search, or cause search to be

made, for such thing in any place within the limits of such station. A Police Officer proceeding, shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may, after recording in writing his reasons for so doing, require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the place to be searched, and so far as possible, the thing for which search is to be made and such subordinate officer may thereupon search for such thing in such place.

The provisions of Cr PC as to search-warrants and the general provisions as to searches contained in Section 100 shall, so far as may be, apply to a search made under this section. Copies of any record made shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate.

SEARCH OF ARRESTED PERSON:

Wherever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail, the officer making the arrest or, when the arrest is made by private person, the police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him and where any article is seized from the arrested person, a receipt showing the articles taken in possession by the police officer shall be given to such person.

Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Whenever during the Investigation is the officer is of the opinion that the evidence is available outside India, then to collect this evidence for the purpose of the

case the two new sections are inserted in the Cr P C vide Criminal Amendment Act 2005 as under :-

[Section 166-A. Letter of request to competent authority for investigation in a country or place outside India.—

(1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation.]

[Section 166-B. Letter of request from a country or place outside India to a Court or an authority for investigation in India.—

(1) Union report of a letter of request from a court of an authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit—

i. forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan or Judicial Magistrate as he may appoint in this behalf, who shall thereupon summon the person

before him and record his statement or cause the document or thing to be produced; or

ii. send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner,

as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1), or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or police officer, as the case may be, to the Central Government for transmission to the Court or the authority issuing the letter of request, in such manner as the Central Government may deem fit.]

A new Chapter in Criminal Procedure Code is inserted by CHAPTER VII-A in 2005 for RECIPROCAL ARRANGEMENTS FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND FORFEITURE OF PROPERTY.

In this Chapter there are certain provisions for the person to produce the documents and transfer of persons alleged. The heading of the sections are as under:-

Section 105-A. Definitions. Section 105-B. Assistance in securing transfer of persons. Section 105-C. Assistance in relation to orders of attachment or forfeiture of property. 105-D. Identifying unlawfully acquired property. 105-E. Seizure or attachment of property. 105-E. Seizure or attachment of property. 105-F. Management of properties seized or forfeited under this Chapter. 105-G. Notice of forefeiture of property. 105-H. Forfeiture of property in certain cases. N 105-I. Fine in lieu of forfeiture. 105-J. Certain transfers to be null and void. 105-K. Procedure in respect of letter of request. 105-L. Application of this chapter.[1]

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1. CRIMINAL TRIALS AND INVESTIGATIONS BY P.C.BANERJEE p.265-278.

20. INTERROGATION: TORTURE TECHNIQUES AND TECHNOLOGIES:

BRIAN HOYLE.

Interrogation seeks to acquire information from a person. Since the person being interrogated is often not comfortable with the process or even willing to divulge information, the interrogation process is different from a conversation. Conversationally, information is freely exchanged and offered. However, interrogation is a less compliant process. Interrogation can take different forms, but these all have a similar aim: to control the subject in such a way that he or she yields to pressure and provides the information being asked for.

Information can be obtained by the use of pain. Torture is centuries old. In medieval times, as a few examples, victims were stretched on a rack, burned with hot branding irons, stoned, or uncomfortably shackled. But over the past century, techniques and technologies of physical and psychological torture have been "refined". Information can now be obtained without leaving a physical trace of the trauma of torture.

Newer methods of torture have been driven by the need for speed in obtaining the information, and, in the case of governments, in disguising the torture from organizations like Amnesty International that ca hinder the information-gathering process.

Torture Components.

The techniques and technologies of torture can be grouped into three categories: hardware, software, and live ware. The term "hardware" refers to the equipment used; software refers to the techniques of torture that are taught to interrogators. Torture live ware refers to the human element of torture, typically the interrogator.

Torture hardware.

Examples of torture hardware include shackles for the arms, legs, and even thumbs, whips, canes, beating devices (i.e., clubs, rubber hoses), water, electrical

generators to administer electroshocks, and devices that suspend someone painfully above the ground. In fact, the list of physical harm that can be inflicted is long. Any possible route to inflict pain that can be conceived of has been used.

Machines that generate intolerable noise ("white noise") or bright pulses of ultraviolet light are sometimes used. Hardware can also have a chemical nature. Some drugs can cause physical discomfort, pain, and disruptions to the body's biochemistry. Examples include curare, insulin, and apomorphine. Drugs such as these differ from psychoactive drugs that alter thought processes or biochemical activity in the brain. Food and water deprivation, or maintaining an uncomfortable position for a long time, can also induce biochemical changes.

Electromagnetic radiation can also be a means of torture. Studies in animals have shown that electromagnetic waves of certain wavelengths c an destroy lung and brain cells. While not necessarily lethal, these effects are debilitating and can be painful. Electromagnetic stimulation can have other nonlethal effects on humans. Extreme emotions of rage, lust, and fatigue can be caused.

The most widely used torture hardware is electro-shock. Pulses of energy, which are therapeutically useful in some medical treatments, have been adapted as a torture technique. The application of electricity stimulates muscle activity to such an extent that involuntary and painful muscular contractions occur. Longer pulse of electricity produce successively greater debilitation. For example, a five-second cischarge from a cattle prod can completely immobilize someone for upto 15 minutes.

Torture software.

The use of intimidation, threats, harsh and comforting language, and even silence are all techniques that, when combined with the hardware of torture can extract information from a victim. Such interrogation techniques have become standard operating procedures for interrogators. Indeed, manuals have been written for interrogators.

Technical and technological orchestration of torture.

Interrogation techniques are intended to "soften up" the victim, depleting the physical and mental resources that can be used to resist the pressure to reveal

information. This is also known as breaking of the spirit. Depriving someone of sleep and sensory stimulation (by keeping them in a dark and soundless environment, akin to solitary confinement) can cause extreme anxiety, intense fear, and paranoia.

The behavior of the interrogator is an important part of the process. For example, a comforting word or supplying water and food can make a victim grateful enough to yield to a request for information. Conversely, degrading or demeaning behavior can cause the victim to give up.

Torture as practiced by terrorist organizations, military and paramilitary forces, and by other government agencies is seldom a haphazard affair. The task of breaking someone's spirit involves the coordination of activities and the use of certain techniques and technologies at certain times.

The torture process can begin at the moment of arrest or kidnapping. Taking someone by surprise is more jarring than if someone has time to physically and mentally prepare him or herself for arrest. The majority of people are at their lowest ebb both physiologically and psychologically in the early morning or near bedtime. A surprise detainment at those times is especially jarring.

The feeling of disorientation and fear can be heightened during transport to wherever the victim is to be detained. For example, the use of blindfold or a hood deprives someone of visual cues that can help them maintain a sense of control.

The next phase is usually detention. Time spent along in unfamiliar surroundings, deprived of familiar and comfortable clothing, wondering about what is to come can be disorienting and terrifying. Also the detainee is forced to rely on his or her own mental resources, which can lead to self-doubt and fear.

Removing the stimuli for senses like sight and sound can be used during this and other phases of torture. Human physiology and behavior is largely governed by the input of information. If sensory stimulation is lacking, physical and mental deterioration often occurs. For example, a study was done where subjects were immersed in body-temperature water up to their necks. Their heads were hooded to blind them. After just a few hours, sensations of tension gave way to hallucinations.

Conversely, stimulating senses such as smell—by, for example, the lack of toilet facilities—can prove overwhelming.

The threat of torture can be as effective as the actual pain in destroying resistance. This is because many people are able to tolerate pain more so than they believe they can. Once the reality occurs, victims may even draw strength from their ability to withstand the torture. Once physical torture has begun, the threat of death can also help the victim. Indeed, death can be a welcome relief from the pain. If however, the torture is perceived as unending, information can be volunteered in the hoes of ending the suffering.

Pain is an inherent part of torture. Because people have different tolerances to pain, or are more sensitive to some forms of pain than to others, torture can be tailored to exploit the sensitivities of the victim.

The techniques and technologies of torture are pervasive and widespread. As newer technologies are developed for other humane purposes, it is likely that these will be adapted for the inhumane purpose of torture.

Electrnonic Surveillance: A Matter of Necessity?

Criminal investigations are becoming increasingly more difficult as criminal targets become even more sophisticated. The challenge for criminal investigators is to keep pace by using increasingly sophisticated investigative techniques. One extremely successful technique has been electronic surveillance, both silent video **electronic surveillance** and interception of wire, oral, or electronic communications. No jury can ignore watching defendants commit crimes before their very eyes or hearing the defendants talk about their crimes in their own voices. This article focuses on investigators' obligation to demonstrate the necessity for **electronic surveillance** before the court will authorize its use.

POLICE OFFICERS POWERS TO ARREST THE PERSON WITHOUT WARRANT:

According to Cr PC 41, Police may arrest without warrant in under mentioned circumstances:-

(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person—

(a) who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned; or

(b) Who has in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking; or

(c) Who has been proclaimed as an offender either under Cr PC or by order of the State Government; or

(d) in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committeed an offence with reference to such thing; or

(e) Who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or

(f) Who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or

(g) who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India, which, if committed in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liagble to be apprehended or detained in custody in India; or

(h) who, being a released convict, commits a breach of any rule, made under sub-section (5) of section 356, or

(i) for whose arrest any requisition, whether written or oral, has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

(2) Any officer-in-charge of a police station may, in like manner, arrest or cause to be arrested any person, belonging to one or more of the categories of persons specified in Section 109 or Section 110.

According to Section-42 of Cr PC **Arrest on refusal to give name and residence:--**

(1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence, refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required:

Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

6.3 DUTIES IN COMMUNAL RIOTS:

Dealing with Religious Fracas:

Parliamentary democracy is sought to be derailed by mixing politics with religion. As a result, the communalism has moved to the centre stage of national and state politics. Whether it is Ram-Janam-Bhoomi, Babari Masjid, Muslim personal law or cow-protection, religious conversions with or without foreign influences, all these issues, have the potential of sparkling off communal riots. The fissiparous and divisive forces are out to weaken the national and state solidarity and sovereignty of the country. The most convenient tool with these forces is to whip up communal feelings, during a festival. These trends do not auger well, for the unity and integrity

of our country. Past experiences suggest, that the communal riots have erupted, mostly coinciding with religious processions. It is of paramount importance, to lay down some guidelines, which could be useful to the District Superintendents of Police, their Circle Officers and others concerned. However, the guidelines can never cater, to all kinds of situations or contingencies. Therefore, these will vary from place to place, time to time and situation to situation.[1]

Policing the Religious Processions:

In the past, provocative guestures have led to serious communal riots. The genesis of the trouble could be the religious processions, taken out by members of different communities. Policing of religious processions is of great importance for the maintenance of communal harmony, peace and law and order. The object of policing processions should be (i) to give a sense of security to the percussionists, as well as to the general public; (ii) to ensure proper observance of schedules and movement by processionists; (iii) to ensure safe and secure passage of the procession.

These objectives can be achieved, provided police arrangements, are formulated methodically and executed in a planned manner. The police officers and men, should not only be impartial, but should also appear, to be impartial, in their attitudes and actions. This will enable them, to win the confidence, of the members of different communities. A body of men, comprising more than five persons, moving through a public thoroughfare in observance with any religious rite/ritual can be termed as a religious procession. There are various classifications of religious processions.[2]

Classification of Processions:

Many processions of Hindus, Muslims, Sikhs, Christians, Jains and Buddhists, are taken out on fixed dates and routes. They are pre-arranged according to the prevalent traditions and customs. These are organized by religious bodies and have

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.134.
2. INSIDE INDIAN POLICE BY JOGINDERSINGH p.135.

more or less fixed timings. These have a definite destination. Prominent examples of religious processions are:

Processions taken out during Dussehra by Hindus,
Ramnavmi processions,
Janmashtami processions,
Durga Pooja idol immersion processions
Kali Pooja idol immersion processions
Saraswati Pooja Idol immersion processions
Ganesh Chaturthi processions
Holi processions
Ravidas Jayanti processions

Dr. Ambedkar Jayanti processions though it commemorates one of the recent political leaders, but it has acquired a religious nature.

Processions of Sikh in honors of their Gurus
Sobha Yatra, Rath Yatra, Jal Yatra, etc.
Eid-Milad-un-Nabi procession
Moharram processions and their various variations,

Occassional Religious Processions:

These are not regular annual features. These processions are taken out to commemorate special events for example:

Installation of new idols in a temple.

To commemorate centenary of any saint or any religious event;

Processions taken out during periodical occurrences like Kumbha Mela, etc.

Protest Processions on Religious Issues:

Recently a number of processions have been taken out either in protest against alleged atrocities on coreligionists or in support of the cause of their faith, for example : (i) The processions taken out against alleged atrocities on Christians (ii) Processions taken out on the issues of Ram-Janam-Bhumi/Babari Masjid (iii) Processions taken out on the issues of Godhara incident in Gujarat (iv) Funeral

processions of assassinated religious leaders, taken out by the deceased co-religionists
(v) The processions to protest against the arrest of Political Leaders.[1]

Reasons for Processions Turning into Riots:

These processions require special police arrangements because of their nature. As the elements of animus already exist, these processions can easily turn, into a violent agitation, leading to riots. They call for, well though out police arrangements, as otherwise, they can snowball into any law and order situation.

This can take place due to the following reasons:

Irresponsible and emotionally surcharged leadership may direct the procession, against persons of other faiths, in order to seek revenge, for real or imaginary wrongs.

Any provocation either caused by persons within the procession, to persons of other communities, or caused to the processionists, by members of the other communities, like music before the mosques, reciting or singing, throwing of unclean articles like pork, beef that may hurt the religious sentiments of a community, on the procession.

Change in routes and timings, causing trouble to other communities.

Coinciding of two processions, of different faiths, or different factions, of the same faith, on the same route.

Passing of the procession, by the side of any Pandal or platform, where rituals of other faiths, are being carried out.

Violation of sanctity of any religious place before the procession is taken out, or during the procession.

Use of offensive placards, or rising of offensive slogans during the procession.

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.135-136.

Police Arrangement to Counter any Eventualities during Processions:

The police arrangements should cover; (a) Pre-procession preparations; (b) Arrangements during the processions; and (c) Post procession analysis and appraisal.[1]

Pre-Procession Arrangement.

The in charge of the area, should prepare a calendar, which will consist of, all regular, organized traditional religious processions. However, no calendar of occasional or protest processions can be made. These will have to be dealt with, as and when they are taken out. The police officers should prepare calendars, for their own areas. Religious processions vary from place to place and hence no uniform calendar can be prepared for the entire state. This calendar, should be kept under the table top, and displayed prominently in the police station, so that every day, the staff including the official incharge, are able to glance it. This way no procession will be lost sight off. They should be entered in a register, to be called festival register. Before any procession is due, the register should be studied, well in advance, to find out various implications. After perusing the festival register, the routes of procession, should be physically checked by officers, and in cases of important processions, personally by Superintendent of Police, it would be desirable if the concerned Magistrate is also taken along.

The inspection of route should take place, a few days in advance, so that in case any obstruction has come up, the same could be removed. The removal of any obstruction, in close proximity, to the event, is well-neigh impossible. However, if it is done sufficiently in advance, then generally there is least opposition. For example, if a 'Peepal' tree branch which has come up on the route fixed for TAZIA procession is cut, during Moharram days, it can create protest from the Hindus. Contrarily, if a MAHAVAT is directed, discreetly to take his elephant, two months in advance, on the spot and get the branch eaten up, by the elephant, it would not create any opposition, and the purpose would be served.

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.137.

The organizers of processions should be contacted, in advance, so that their plans and programmes are known for better planning. Personal contact with the organizers, creates a personal rapport between them and the police. It helps in tiding over many delicate situations. Sometimes, especially during Dussehra and Moharram, Akharas participate in the procession, and carry blunt and sharp-edged weapons, without licence. Their licences should be checked. Most of the Akharas do not possess any licence. Sometimes they resist the idea of licence. However, if the organizers are contacted a month in advance, this can be straightened out. Some permanent marking should be affixed to these weapons, so that these are not replaced, at the time of procession.

Valuable assistance can be obtained from voluntary bodies. They should be contacted in advance. Generally Peace Committee meetings, should be held, a few days in advance, of the event. The help of voluntary bodies like Mohalla Defence Committees, Peace Committees or Civil Defence Committees should be enlisted. Details of volunteers, for various sections of processions, should be prepared. There should be an attempt, to create a group of influential and well meaning persons, who can act, as intermediaries, between police and processionists. Any direct intervention of police, can lead to confrontations. Influential persons of the area, especially those belonging, to the same faith, will prove to be very useful.

Many a time, there are elements, which are not directly concerned with the processions but have an important bearing on it for example, idol makers of Durga, Kali, Ganesh, Saraswati, Rathyatra or Tazia-makers. There is a growing tendency of increasing the size of idols or Tazia, every year, by the organizers of the processions, to beat their rivals taking out similar processions. If these people are contacted before the event, they can be briefed, about the clear specifications based on previous year's measurements. They could be requested, to adhere to the same. A fortnight before the installation of the idols, Bazaar Band Masters, shop-keepers hiring out loud speakers, float-makers, etc. should be contacted, and told about their expected conduct and role, during the procession.

The police staff duty charts, with clear assignments, of each person, at a specific area or route procession, should be prepared. The staff should be briefed in advance. A site plan prepared to a scale, on a hard board, showing sensitive points on

the route, tall buildings, traffic intersections, etc. would be very useful and should be prepared for every police station. If possible, sand models, should be prepared. This will useful for briefing of the men. Video graphing the route will be more helpful. It will make things very clear. Arrangements for traffic diversion should be well though out and necessary publicity given through newspapers or posters, TV, Radio about the programme. It will help avoiding congestion and inconvenience to the public. The possibility of disturbance, during the procession should be accepted, as a likely risk. Contingency plans must be made to tackle it by; (i) diversion of procession, on to a safer route, in case of major breakout of trouble; (ii) rushing of fire brigade, in case of acts or arson; (iii) abandoning of, the route of processionists, to prevent their committing arson or looting. It has been observed, that many a time, if a just or unjust demand, of the processionists, is not met by the administration, they leave the idols/Tazias on the route, as protest and leave the procession. This creates a very delicate situation, as any direct attempt by police, to remove them, would invite allegations of sacrilege. In such cases, help of the intermediary and voluntary bodies, should be sought.

The contingency plan should also cater for scotching rumors, isolations, or segregation of troubled areas, taking possession of a large number of cycles, or other vehicles, and other articles left behind, at the time of panic or policed action. The method for their disposal can also be planned in advance. Similarly the place of interception of the procession, if required, should also be decided earlier. In the pre-procession stage it should be ensured, that provision of fire brigade and ambulance for medical cover is made. Similarly weapons to be carried, along with ammunition; tear smoke shells, should be circulated in advance. It would be desirable, to have a public address system for directing the procession, or scotching communal rumours, etc. Some policemen could be provided with loud hailers, while accompanying the procession. Action plan should include rouding up, in advance of anti-social elements. The complacent attitude of the officers should be discouraged. All developments of interest must be reported to the senior officers, through the fastest means available. Any attempts of suppression of information should be viewed seriously. Rehearsal, for dealing with any possible riot, should be don't, atleast a fortnight in advance. Any rehearsal close to the event might create panic. The riot equipment boxes should be checked up and brought up to-date. Some help-centers

may be set up, on the route of processions, to render medical help, to the old and infirm persons, or those sustaining injuries during the procession. Wherever curfew is proposed, the service of orders U/s.144 Cr.P.C. should be given at least a week in advance and signatures of organizers must be obtained. Special vigil should be exercised on the anti-social, anti-national and communal elements. Preventive arrests wherever necessary should be made in advance.

The police should become more visible, tone up the routine duties, like checking up hotels, dharamshalas, railway stations, bus stations, arms and ammunition dealers, and cinemahalls, etc. However, it should be done very carefully and tactfully. Any highhandedness, during these checking, can prove counter-productive. It may create trouble during the processions. Senior officers must brief the policemen; not to nurse, any bias or prejudice, against any community. This will help, in rebutting the allegation, that policemen of one community have shown vengeance, or are guilty of inaction, against another community. The following points must be made known to every policeman on duty:

The background of the procession legends and traditions associated with it.

Time Schedule:

Route and sensitive points on the routes,

Organizers and other personalities connected with the procession;

Elements and developments to be watched carefully;

Communication available to them, if any telephone is available near their duty points, the same should be known by them, apart from the wireless or cellular phones; and

Emergency Plans.

Arrangements during the Procession:

The posting of men should be done, at least one hour in advance, so that they become familiar with the spot. In this way, they can keep a watch, on the movements of people, who form the procession. While checking up-to-date information, should be given to men on the spot. During these hours, the policemen and the volunteers

would be able to know each other by face and name. This would ensure better cooperation between them. At the head of the procession, besides the regular force, small squads of policemen either with motor vehicles, motor cycles or cycles or mounted police should be kept. They should function as the alerting teams and precede the procession. They should go, five to seven minutes in advance, altering all the policemen on duty, to stop or divert the traffic and sharpen their vigilance. Special attention should be given to the tail end, of the procession. Generally trouble starts, after the main body of the procession, has passed the sensitive spot. Hence proper control, over the last portion of procession, needs to be maintained. Wherever feasible, a police officer and magistrate in a vehicle should be in the front, and rear of the procession. During processions there is a tendency among policemen to speak up simultaneously. This jams up the Radio traffic and urgent messages get blocked. Hence, all persons handling Radio equipment should be trained to maintain proper Radio discipline. Roof top duty should be assigned in pairs. The force posted there should be provided binoculars and wireless sets after training in the use of simple code, or walkie-talkies or flag signaling. For these duties, the best men should be selected. They would be working, as watchmen for the entire force. Use of video cameras, placed strategically, will deter miscreants and also faithfully record the conduct of procession. It would also be useful subsequently, for training, briefing purposes and evidentiary purposes. These Video Cameras should be located, in such a manner, that various portions of processions, as well as locality, are filmed simultaneously. For large processions, four to six Video Cameras would suffice. Close Circuit TV, would enable the senior officers, at the control room, to monitor the procession. Open and concealed, use of tape-recorders would also help in deterring irresponsible elements, from indulging in provocative slogan shouting.

The Reserve Force with full proper equipment should be positioned before hand. The officer's in charge of various sections of procession should be fully aware, of their positions and strength. Along with this reserve force, some local leaders of various communities should also be collected. In case it is necessary, their services may be utilized, on need basis to control the procession without resorting to the use of force. Otherwise at the time of emergency, precious time would be wasted in searching and locating them. Response time of the reserve force should be fixed. The response time, should also take into account, the likely time to be taken, if the

movement is to be done on foot. It would be useful, to carry out mock exercises, for summoning the Reserve Force, to check their efficiency, in arriving at the allocated place.[1]

Arrangements after Dispersal of Procession:

Generally after a procession has reached its destination, the policemen think, that their task has been completed. They leave their duty posts, or slacken their vigilance. This has to be guarded against. In fact greater vigilance is required, as persons returning individually, or in small groups, after dispersal of the procession, become more vulnerable, to mischief-mongers. Atleast for one hour after the dispersal, the staff on duty should be alert. If procession is to start or continue in night-time, then proper lighting arrangements should be ensured. Throughout the route, alternate supply of electricity, should be provided to meet the exigency in case of any sabotage of break down of regular electric supply.[2]

6.4 CRIMES AND DEVELOPMENT:

Every developing nation has to pay the price of development and one price tag is the increase in crime. Industrialization also gives rise to new economic and political conflicts. Unless there is an anticipation and preparation to meet this kind of situation in a developing society, the tensions are bound to increase leading to a serious situation affecting all sections of society.

The process of change in socio-economic and political order sometimes can give a psychological shock. The price of development has been paid by the state all over the country and the process of social and economic transformation gets complicated depending upon the period in which it takes place. Change is the immutable law of life and all nations whether they are capitalists or socialists, experience it.

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH p.138-143.
2. INSIDE INDIAN POLICE BY JOGINDERSINGH p.145

In Gujarat State Industrialization in recent times has affected the social structure. One effect of the transformation has been that the principle of institutional legitimacy has been considerably diluted. Expectations of the people have been aroused as a result of change, which is coming over the Gujarat Polity. Crime faithfully follows the development, though development by itself is not criminogeneric. Development leads to the migration of people from the rural to the urban areas and increase in literacy rates. Mass education makes the common man aware of his rights and an educated man can approach the higher officers for the redress of his grievances effectively.

Another effect of the phenomenon of the urbanization is the growing impersonalisation in the day to day conduct of human affairs too. Whenever there are riots, the shops and cars are damaged, though their owners have nothing to do with the issue in dispute. Poverty breeds crime and accentuates in the situation. It is the impersonalisation, which helps the crime. Anything which is the symbol olf prosperity becomes the target of attack. Crime is the product of: (1) motivation, and (2) opportunity. Unless these factors aid, no criminal can indulge in any crime. Generally speaking, the crimes are committed in the awareness area of the criminal. For dealing with the crime and criminal and riots situations, the police presence at the flag marches has a limited role, at the best having the effect of a sedative. Any Police Crime Prevention strategy will have to lay a great stress, on strengthening the police stations both quantitatively and qualitatively.

Criminals and gangsters are not born over-night. They start by committing marginal crimes, like bootlegging and prostitution, unlike serious crimes like murder. In such cases, the prima facie victimless nature of the crimes, of marginal category, tends to reduce the involvement of the society. Most of these marginal crimes are aimed at meeting economic ends. Such criminal acts (the marginal crimes like smuggling, bootlegging, and prostitution) provide services and goods which though illegitimate, have a demand. A section of the society has a vested interest, in such crimes. Enormous discretion is available to the police functionaries at grassroots level in handling such crimes and the senior officers of the police department also do not regards the occurrence of such crime as a threat to the existing set-up and at the best they have only a mildly intolerant attitude of such crimes. Sometimes even the policies behind marginal crimes are not clear. For instance if gambling is immoral,

then why there are state run lotteries or race courses which provide a good deal of revenue to the government. Similarly if the consumption of liquor is a health hazard, then why do we have state liquor selling shops?

Thus concepts of social or marginal crime undergo changes due to societal friction, caste considerations and religious frictions.

Reforming the Inadequacies of Police:

There can not be prevalence of peace, stability and development in society without proper law and order. Jawaharlal Nehru observed: “A strong army and efficient police are likely to do more for Indian self esteem and Independence than any result that could possibly come from planning. The major problem in India is that of development, we must never lose sight of that objective. The army and the police only provide the background, because they create the conditions in which that development is possible…..In India there is hangover of old days when the police was distrusted and considered, as something apart from the citizen. This may be the attitude of suspicion, which has influenced the pattern of national planning, in which the police does not fit in. All the countries hold strong and efficient police service, which is necessary for the well being of the community, to a greater degree, than any other public service in peace time”.

Is the police coming upto the expectations of the people? Do common people perceive, as to what policemen expect from them and of them? Are the two parties satisfied with each others’ performance and whether something more can be done?

No other executive wing of the government has come in for so much criticism as police. Despite the fact that the present police system was given its shape by the colonial rulers, its inadequacies and shortcomings had been the subject matter of intensive debates even then. In fact, the police is only a part of the criminal justice system in the country. It can only take the suspect/accused before the court of the law and it is for the courts to judge the guilt and award punishment. The gathering of evidence depends only on the cooperation and assistance given by the people.

Non-cooperation by Citizens:

Now the question arises why people do not cooperate with the criminal justice system in providing the necessary assistance. The police alone cannot deliver the goods unless reforms in all the wings of the criminal justice system, like the Judicial and Prosecution system are affected. The drawbacks in the existing criminal justice system are best explained by a letter written by a District and Sessions Judge, to the National Police Commission who said:

“The biggest single hurdle which inhibits the citizen from coming forward to help the police is the deplorable conditions prevailing in the courts of law. The lot of witnesses appearing on behalf of the State against a criminal is certainly pitiable. More often than not the case in which he iks to appear is adjourned on one pretext or the other. This is invariably done at the end of the day after keeping the witness waiting for the whole day. While fixing the next date the convenience of all concerned, except the witness is kept in view. If the witness fails to turn up on the next date, coercive steps are taken against him. If he appears on the adjourned date, the chances are that the case will be adjourned again.”

“When ultimately the evidence is recorded, the witness is browbeaten by an overzealous defence counsel or declared hostile or unreliable by the prosecution. After undergoing this agonizing experience, the witness is not compensated for the loss of the earning of the day. Even the out of pocket expenses incurred by him are seldom reimbursed.”

“The most difficult problem faced by a witness in our courts is the complete lack of any amenity or facility to make the long wait bearable. What to talk of drinking water, and urinals, etc. in most courts, there is no place where a man can sit unless he forgets all about his dignity and squats on the floor of the verandah or under a tree. The sight of people sitting under the blazing sun or in torrential rain is also not so uncommon, as it may seem to be. Chairs and benches for the conveniences of the witnesses are nowhere available.

“It is small wonder then that disinterested persons fight shy of extending a helping hand to the police and only those persons agree to come to its aid who have an axe to grind. A man going to the railway station or a bus stand to catch a train or

to board a bus has to spend an hour or so. Yet he demands and gets basic amenities like drinking water, and a place to sit, but a man who has to wait for 5 to 6 hours in a court of law is not provided with any of these facilities.

"The plight of a witness is further aggravated by the fact that he is required to prick up his ears so as not to miss his name being called in a most unceremonious manner by the court usher. A prisoner suffers for some acts of commission but a witness suffers for no fault of his own. All his troubles arise because he was unfortunate enough to be on the spot when the crime was being committed and at the same time "foolish" enough to remain there till the arrival of the police. It is for these reasons that people do not take the victim of a road accident to hospital or come to the help of a lady, whose purse or gold chain is being snatched in front of their eyes. If some person offers help in such cases, he is to appear as a witness in a court and has to suffer not only indignities and inconveniences but also has to spend time and money for doing so. Sometimes the witnesses incur the wrath of hardened criminals and are deprived of their lives or limbs."

Thus, unless reforms are brought about in all the limbs of the criminal justice system, the improvement in one will not be of much consequence. It is for the reformers to take up the challenge and unshackle the system from the past burden of laws, traditions and customs which have outlived their utility in the present age.[1]

6.5 TERRORISM AND ORGANISED CRIME:

Organization is a fact of life. Every crime has some kind of planning and organization, behind it, though it may be the handiwork of one man. Terror means extreme fear or governance by intimidation. Among the universally accepted features, are governing, by terror of capital punishment, and the law of private defence, which gives all citizens the right to kill to defend life and property. Dictionary, however, defines terrorism as an organized system of intimidation, especially for narrow political ends. Bank robberies, bombings, kidnappings and hijackings of aircrafts, are all categorized as terrorist acts. Most of these activities are unrelated to any

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH Ch.6 p.149-154.

Philosophy of revolutionary action. The use of force is legally and morally justified. However, according to provisions of general international law, in the legitimate resistance to oppression and tyranny, acts of terror both governmental and private are prohibited by international human rights documents. The terrorist may be often willing to sacrifice his own life. The terrorist anticipates retaliation from the government forces. Very rarely, he may bed naïve enough, to think that the government will not strike back.

But a civilized government feels, that they have a responsibility to ensure that both over-reaction and under reaction are avoided in dealing with the terrorist. It is essential that both the officials and public, at large are educated, with the ideas relevant to the positive approach. The Human Rights Activists feel that no one be encouraged to take a blindly authoritarian view, even while using force against force. The answer to the question, whether terrorism at all poses, a threat to India's body politic, is positively yes, without giving in to any fear psychosis. My intention here is not to justify terrorism, but to try to understand the phenomenon.

Definitions:

T.P.Thornation distinguishes between 'enforcement terror' and 'agitational terror'. Enforcement terror is used by those in power and wish to suppress challenges to their authority. The agitation terror is used by the terrorists who wish to disrupt the existing order and ascend to political power themselves. It is the same as 'the regime of terror' and 'the siege of terror'. Terrorism, in short is designed to influence political behavior by extra-normal means, entailing the use or threat of violence.

Terrorism may achieve political ends by, either mobilizing sympathy or by immobilizing the forces, of the authorities. But the authorities have the initial advantage because of the inertia, which characterizes the normal political relationship between authority and citizenry. There is a distinction between four types of terrorism: criminal, psychic, war, and political terrorism. Political terror isolated acts, which are neither systematic nor organized. They are often difficult to prevent. Therefore, neither an isolated act, nor a series of random acts, is terrorism. On the other hand, political terrorism is a sustained policy of organized terror, either on the part of the state, or a movement or faction entailing some organizational structure.

There is some kind of theory or ideology of terror, however rudimentary or preposterous, behind the actions. Political terrorism can be revolutionary terrorism, sub-revolutionary terrorism, and repressive terrorism.

Political Philosophy of Violence:

Since the dawn of history man has used violence against his own kind. During the past fifty years, mankind has survived about 1500 armed conflicts all over the world. Theoretical justification for all this violence can be seen in socialism-communalism; radical nationalism-fascism; and anarchism-syndicalism.

Karl Marx declared that the purposes of society are essentially economic. Economic and technological relationships define social and political structures and determine the patterns of change. The dominant class in any society is that, which controls the means of production. The rest of the population is dependent upon the controlling group for survival. They can be organized, manipulated, and exploited by the dominant class. The state is an integral part of the political and legal order. Its class character can be changed, through class struggles, peaceful where possible, violent where not, before the forces of production, can be liberated from the quest, for more and more profit and utilized for the benefit of the entire community, in which the economic exploitation, of man by man is no longer possible. Marx believed that the movement towards socialism is a movement towards democracy. Political democracy must be strongly defended, against all detractors and enemies but from the point of view of democracy as a way of life, it is necessary but not sufficient. Political democracy must be used, to achieve complete democracy, by extending democratic values of the principles, into economic and social life.

Religious Philosophy of Violence:

Since the purpose to discuss the phenomenon of terrorism and not to justify it, we should also briefly examine the attitude of the various religions to violence and terror. Jehovah the Gold of the Hebrews was a God of holiness, love, power and wisdom as well as great dread and wrath who inflicted terrible punishments on those who ignored the way of life he set before them.

In the Gita Lord Krishna reveals to Arjuna, “it (the soul) is not born and it does not die. It is birthless, constant eternal and ancient; it is not slain when the body is slain – there is no greater good fortune for a Kshatriaya than a righteous battle” Thiru Valluvar says in the Kural, “It is a soldier’s virtue to be pitiless in battle. But when an enemy is in distress, to render him help, is the edge of the soldier’s sword” (i.e. kindness to a foe in distress cuts him to the quick). Again, “of what use is it, to die amidst weeping relatives, and of age or sickness? One should eagerly seek a death. This is followed by a different kind of tears, tears of grateful admiration from the eyes of the kind whom one served.” Thus, all religions approve of killings, executed in obedience to law or God’s direct command. Some terrorists believe, that failing God’s direct command, the next best thing is, the command of priests, or some other charismatic fascist, who may be called a saint. If every terrorist had the benefit of personal counsel, from a Sri Krishna, then there will be no danger, at all, to society.

Philosophy of the Constitution:

It is best to remember that terrorism in India and Gujarat State today, has passed through the various phases, from the use of crude weapons to RDX and AK-47 rifles and tactics like mass killings by bomb blasts and hijacking of the National Airlines’ Aircrafts. We have a Constitution based on principles of justice, social, economic and political, liberty of thought, expression, belief and worship; equality of status and of opportunity; and fraternity assuring the dignity of the individual and the unity of the nation. Protection of interest of minorities has received specific attention to the constitution. Universal adult franchise has been established. The Directive Principles of State Policy aim at social and economic development with political democracy as the base. The Constitution of India provides safeguards, for expression of criticism, dissent and protest. But it is as a matter of concern that it also appears to have enabled fascist elements, to organize themselves. This speaks of deficiencies in understanding and implementing of the Constitutional provisions. The Constitution itself needs a review, to meet the challenge of the times. It is essential to have a look very briefly at the different movements resorting to violence and terrorism, in the country in recent times. There are the insurgencies in greater Assam that is to say in the present day Assam, Nagaland and Mizoram as well as in Manipur and Tripura (and also the movement in Jharkhand) the Naxalite activities in Bihar, Madhya

Pradesh and Andhra Pradesh and Jammu and Kashmir. The Punjab had extremism eating into its vitals for over a decade. It ended, when it found, that the State had broken its back.

As for the Naxalites their ideological predicament is well-known. They are alienated from the main Marxist movement, by their rigid adherence to the sole efficacy of violent means, to achieve their objectives. The different Naxalites groups are engaged in peddling their own interpretations, of Marxism-Leninism-Maoism. It may become possible, to harness their idealism, by sufficiently well informed action, education, and motivation. A combined approach only can help.

Suggestions to Counter Terrorism:

We should attempt to find long-term solutions to the underlying causes of terrorism by boldly acknowledging the inequities in society providing the objective causes of terrorism. Some suggestions are as follows:

Increase the size and powers of the security forces.

Introduce capital punishment for terrorist activities.

Enact legislations limiting rights of assembly and increasing controls over the public by means of identification cards, etc.

Establish a third force to cope with terrorist attacks. This involves policy decisions about the role of the police in anti-terrorist operations; about how early to commit military forces and civil military relations.

Announce a policy of “no negotiations” with terrorists.

Increase physical and peripheral security.

Introduce press censorship to control sensationalism.

Introduce pros internment without trials.

Special legislation authorizing the above or other measures.

Make it illegal for individuals or private organizations to pay ransom to terrorists.

Promote international treaties providing for extradition or trial of captured hijackers, etc.

Research and develop alternatives to hostage negotiations.

Involve the so called Human Rights Activists to ensure that terrorist group be encouraged to adhere to the norms of Human Rights.

Develop and deploy highly intrusive technologies as prfe-emptive moves, e.g. monitoring and surveillance.

Since we are dealing with human behavior, the policy makers must assess the contribution that can be made by the behavioral sciences. Effective measures need to be taken for stopping the flow of external aid to the terrorist. This will include all forms of diplomatic efforts designed to preclude the terrorists gaining further foreign support.[1]

6.6 POLICE DISCRETION:

Social Responsibilities of the Police:

Duties of the Police Officers: "It shall be the duty of every police officer promptly to obey and execute all orders and warranty lawfully issued by him by any competent authority: to collect and communicate intelligence affecting the public nuisance; to detect and bring offenders to justice and apprehend, and for whose apprehension sufficient ground exists, and it shall be lawful for every police officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gamming house or other place of resort, for loose and disorderly character." Thus, it may be seen that specific duties are assigned to the police, under the law of the land, and the scope of the discretion is rather limited as the word "shall" in the language of Section 23 of the Police Act, of 1861 it reflects. However, the social responsibility, cast on the police, has added a new dimension, to the police work and relationship with the society. The organized police is defined "as a response to the problems of social science in modern societies" by David J Bordua in the International Encyclopedia of Social Science. The expectations of the society, from the police are infinite, including in their social sphere, with which the Police

1. INSIDE INDIAN POLICE BY JOGINDERSINGH ch.7 p.155-166.

Ordinarily, have nothing to do. The people requisition the services of the police for all kinds of jobs, like rescue of people's cats and other pets from the wells or the removal of a dead dog or dead body from the roadside, or to trace the missing child or elopement of the girl with her boy friend, or complaints against the neighbors for throwing rubbish or hanging clothes at their place earmarked for somebody else, for preventing cruelty to the animals, or practice of untouchability, or prevention of publication of harmful publications. It is worthwhile to mention, that the police are called upon to enforce, amongst other works the acts mentioned in previous chapter.

The Use of Discretion by Police:

It is also true that in present day, society there is no respite, from dangers emanating from various quarters, in unpredictable situations. At the face of it, there appears to be justification for widening the field of police activities. This is, how it should be, to ensure enjoyment, of the fundamental rights, as enshrined in the Constitution. The police have to be careful, in balancing the rights of the people, so that, the rights of some individuals, do not violate the rights of others. In some matters, the police tend to use their discretion, to assess whether the breach of the law is only technical. However, use of discretion, can lead to the misuse of responsibility. In any case, the atmosphere in the state is such, that it does not inspire the police to use their discretion, lest they be misunderstood. Like the rest of the administration, the police also tend, to play safe and not take chances for inviting allegations. More often then not, they do not use their discretion, and let the cases, even weak and unsubstantiated ones, to be taken to the courts, so that the blame for not punishing the wrong doers does not stick to them.

To serve democracy, the police system has to contribute, to the upholding of the principles of liberty, equality and freedom of expression. They have a paramount ethical and moral responsibility to ensure that enforcement and non-enforcement of the laws is done impartially and equally, without regard to the social standing, religion, caste, creed or class. This is the only way, in which the police can earn the respect of all sections of the society.

The police is required to function under the Rules of Law. Supreme Court observed: "Crime is contagious. If the Government servant becomes a law breaker, it

breeds contempt for the law. To declare that in the administration of criminal law, the ends justify the means,--is to declare, that the Government servant may commit crime, in order to secure the conviction of a private criminal---would bring terrible retribution. Against this pernicious doctrine, the court must resolutely set its face. It is better that some criminals should escape the law than that the government officer should play an ignoble part. This however, should not be interpreted, to mean that the police are being told to fold up their hands and remain passive, when anti-social elements, suddenly grow in wealth. Instead they should be active and intelligent enough to track down those, who hold the nation's wealth, peace and security in jeopardy. The only insistence is that means must also be as good as ends." (Prem Chand vs. Union of India, 1981, Cr. L J 5 (SC). The above landmark judgments of the Supreme Court is a clear indication of the direction on which the police should function and exercise its discretion, that is in conformity with the laws and spirit of liberal understanding of the issues.

The television, radio, and press have added a new dimension to the activities of the police. They are constantly under watch. The policeman more often than not is called upon to take decisions on the spot, and is liable to be exposed to public criticism. He is damned either way for taking a decision or for not taking a decision. This is the predicament he faces. In his job he has to do tight rope walking and strike a balance between the demands of the citizens and the often vexatious political interference. To some, he appears to be taking too drastic an action, in some situations and to some he appears not to be taking action at all, for the same situation. He has to do all this within the four corners of law and still exercise his discretion for the betterment of society and still come upto the expectations of the people. The role of the policeman is basically coercive in the enforcement of the laws. Yet it is expected of him, not to enforce it, in some situations. With a vigilant press and ever active citizen's groups, the work of the police is under constant close examination. His failures to come up to the people's expectations, can no longer be hidden under the carpet.[1]

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH CH.8 P.167-178.

6.7 TREATMENT OF JUVENILE DELINQUENTS:

Juveniles, if not prevented from committing crimes, only graduate to serious crimes, and to that extent, it is essential that the Juvenile Justice Act 1986 and Juvenile Justice (Cadre Protection) Children Act, 2000, should be enforced effectively. This is an Act, to provide for the care, protection treatment, development and rehabilitation of neglected and delinquents and for the adjudication of matters, relating to juveniles. It was enacted by the Parliament in 1986 and replaced Acts like Children's Act of 1960 and similar Acts of Madras, Bombay and Calcutta promulgated in 1920s. Recently Juvenile Justice (Care & Protection) Children Act, 2000 imposed in the country. The justice system as available for adults was unsuitable, for being applied to juveniles. It was also felt, that it was necessary that a uniform juvenile justice system should be available throughout the country, which should make adequate provision, for dealing with all aspects, in the changing social, cultural and economic situation, in the country.

Under this Act any police officer, organization or any other person, may take charge of a neglected child, and produce him before the board, or if information is placed before the police, about the neglected child, the PSO will enter it in a register, and if he does not propose to take charge, he shall forward the copy of the entry, to the board. If there are parents or guardian, of the neglected child, the police officer may report to the board, which will issue notice to the parents, why the child should not be dealt with as a neglected child, who has been neglected. The board may make orders, directing the juveniles, to be sent to juvenile homes, or they may make an order, to keep the child under the care of a parent, or a guardian or a fit person after demanding a bond.

If the juvenile, is accused of bailable or non bailable offence, he should be released, on bail, with or without surety but, he shall not be so released, if there appears reasonable ground, for believing that he is likely to be associated with any known criminal, or be exposed to moral danger, or that his release would defeat ends of justice.

The police officer, on arresting a juvenile shall, as soon as after the arrest inform: i) the parent or guardian and direct him to appear in the court where the

juvenile is to be produced; ii) the probation officer, of such arrest will collect information history background on the juvenile, so as to help the court.

Difficulties Faced in Implementing the Act:

The implementation of this Act shows the following difficulties:

The policemen, who are supposed to take charge, of these neglected children, do not have tome, to look after these offences, as seriously as the Act would warrant. The Policeman is more worried, about terrorism, VIP Security, airport, railway security and order duties rather than implementing this Act. Nor is he mentally equipped, to treat the children, in a soft manner given the present training methods, in the State. Perhaps women police would suit the job, but even they are reported to be tough and aggressive, and hence, not suitable for the job of handling the children with compassion, and softness they deserve. Further are in meager number.

The number of destitute and neglected children, in our country, is so large that, it is impossible to effectively bring them, to juvenile homes. Even if some of them, undergo training and discipline of training institutions, it would be well nigh impossible, for probation officers to move around, and keep track of these youngsters. The value of probation officers is generally not appreciated by the District Magistrates and Superintendents of Police, for whom this is a low priority work. The result is that nobody in practice, takes the work done by them, seriously. It is performed very ineffectively, as nobody is there to supervise and show interest in their job.

The higher ups in the State Administration, viz. the Political Executives, Administrative Executives and Police Executives, need to be conscientised about this Act. Otherwise, the power that is vested in them, to form juvenile courts, special homes, will remain a dream for a long time to come. Without this conscientisation, top executives of the State, are likely to brush aside, the importance of this social legislation. It is seen, that even where a few institutions are established by the State, they are being run, perfunctorily and shabbily.

The Act contemplates, that members of the board and magistrates, of the juvenile court should have special knowledge, of child psychology and child welfare. Such qualified persons, are not so easily available, and so to that extent it may not be

possible for the government, to form the courts and boards, as fully expected in the Act. The Act is self defeating in this aspect. There is possibility for circumventing of the scheme demanding establishment of juvenile board or court by sheltering under the provision Section 7(2) where Divisional Magistrates, Sub-Divisional Magistrates and J.M.F.C.s are permitted to exercise powers of court and board. Even where such boards have been formed, there is no evidence to show, that they have complied with, the expectations anywhere in the State.

At times, due to lack of guarding these juveniles, lodged in various homes, the juveniles tend to run away, from the homes. It is very difficult to get these juveniles back once again and placed in the homes by the police. Further, the authorities in various homes do not report the desertion of children, from homes.

Heartless Homes:

Whereas the Act contemplates, such institutions as special homes, juvenile courts, juvenile homes, observation homes and after care organizations, to be constituted by the State Government, what in practice, is found, is given in an article in the Indian Express under the heading “Heartless Homes”. It is mentioned, that the State of orphanages and destitute homes would shock the most hardened of humans. Destitute and orphaned children are kept in government, semi-government and non government’s homes.[1]

6.8 Cases Ending in Acquittals:

In case of Baldeo vs. State (1969 AIR pages 756) the Court observed:

“In a case, relating to a fight in which both the parties are proved to have received injuries and the injuries of either party cannot be regarded as negligible in number and nature, ascertainment of the manner, in which the fight began and developed, is essential for deciding the guilt or innocence of a party. In such a case, the acts done by a party, would not by themselves, show their criminality or justification, and they would take their legal complexion entirely from the

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1. INSIDE INDIAN POLICE BY JOGINDERSINGH CH.11 P. 237-248.

Circumstances, in which they are proved to have been done. Determination of the true sequence of events, therefore, becomes a matter of vital importance in a case of this kind and if the court, on consideration of all relevant matter, is in the end, left in a state of reasonable doubt and uncertainty as to the origin of the fight, and as to whether a situation had arisen in which the acts, with which a party is charged, became justified in law, the court cannot hold that party guilty."

Another type of case, which normally ends in acquittal, is the one, in which there is a "free fight", between the parties, equally determined on their rights. They meet only for settling their avowed rights. When both the cross cases, are sent up for trial by the court, such cases end in acquittal. The reason is obvious, for the acquittals. The prosecution witnesses, in one case, are the accused in the other and vice versa. The witnesses in cross cases, tend not only to exaggerate but also indulge in falsehoods. They keep their safety in the cross cases in view. They attribute aggression to the other party and assume the role of injured innocence.

The Benefit of Doubt:

Vary rarely does an investigator, in such a case examine, or succeed in getting, an impartial witness. The result is, that such cases, end in unmerited and undeserved acquittals. There is no definite evidence, produced, before the court to reach any conclusion, regarding the truth of the matter. The result is, that benefit of doubt is given to the parties and the cases end in acquittal. The proper course for handling such cases would be to find out independent witnesses. Such witnesses would be in a position to give the true version, of the incidents to the court. They can be produced as common eye-witnesses, even though their version, may conflict with the partisan witnesses in the court. This is the only way, in which the court can be assisted, to find out the truth. Cases relating to the quarrels and fights over the land and other properties, are very common. The acquittal in such cases is common due to the inadequate attention paid to the revenue records to establish the frights of the parties. False records also lead to the benefit of doubt, being given by the court to the accused. Investigation in such cases requires knowledge, of the village and other revenue or municipal records. Copies of the same by the competent authority are the best evidence. The deficiencies in the investigation have to be made good, before the case is filed before the Court.

Essentials for a Post-Mortem Report:

A witness before a Commission indicated the imperfections in the medico-legal work in the following words: "In my opinion, the present forms prescribed, for the post-mortem examination and preparation, of injury report, are defective in some ways. Strangely enough, in the injury report, there is a column for mentioning the probable weapons, by which the injury was caused, but there is no such column in the post-mortem report form. Such a column is essential, for the post-mortem examination form as well. The data on which the information, regarding the age of the injured and the weapon, with which they are caused, are not mentioned, either in the post-mortem report, or in the injury report with the result, that it leads to useless cross examination and to the employment, of more conjectures, by the doctors. In my opinion, the data on which, all those matters are formed, should be mentioned. The data regarding the features of the dead body, on the basis of which, time since death, is determined, is not properly given in the post-mortem report. I think, it should give this data. A detailed description, of the contents, of the stomach, the small intestine and the large intestines and the bladder, seems to be absolutely necessary, and these details are entirely excluded in the post-mortem reports, that usually go to the court. The parts in which faucal matter is found and the estimated quantity of the matter, should be invariably given. It should also be indicated, in which part, of the small intestine, his food had been found. The urine found in the bladder should be weighed and its quantity mentioned in the report.

The time since death, in my opinion, should be described in terms of hours, upto 36 hours and thereafter in terms of days or parts thereof. Post-mortem examination reports, in regard to firearm injuries, are of a most unsatisfactory nature, and they often lead to wholly unmerited acquittals. The reports do not show any proper appreciation, of the distinction between scorching, blackening and penciling. No proper light, is thrown, in the post-mortem reports on the shape, direction of the injury and the track of the bullet. Doctors performing the post-mortem examination, and doing medico-legal work, have very inadequate idea, of dispersal and distances, or anything pertaining to ballistics.[1]

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1. AIR VOLUME 1969 page 756-762.

Sometimes the cases ending in acquittals due to negligency of Public Prosecutors. In the cases tried by Court of Sessions the Public Prosecutor appears on behalf of the State government appointed under Section 24 of Cr P C but there is no criteria or written examination for selection of such public prosecutors. This post is purely political post. For the wider interest of the society the appointment should be made by the written examination as well as oral examination for public prosecutors of Sessions Court. To secure the proper presentation of the cases of the State a new Section 25-A is inserted by the Code of Criminal Procedure (Amendment) Act, 2005 (Act 25 of 2005) but the implementation has not been made in the Gujarat State. The Section is as under:-

[25-A. Director of Prosecution.—

(1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of Section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-sections (8), of Section 24 to conduct cases in District Courts and every

Assistant Public Prosecutor appointed under sub-section (1) of Section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and function of the Director of Prosecution and the Deputy Director of Prosecution and the areas for which each of the Deputy Director of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.]

Objects and Reasons of 2005 Amendment—This clause seeks to insert a new Section 25A empowering the State Government to establish the Directorate of Prosecution, the Director of Prosecution shall function under the administrative control of the Head of the Home Department in the State.

Now-a-days the Public Prosecutors in the Judicial Magistrate Court, in the Court of Sessions and in the High Court are working under the control of legal department of the state. The police force is working under the control of the Home Department. So for better transmission and control both the agencies should be under the control of the same department.

6.9 Information in Cognizable Cases:

Every information relating to the commission of a cognizable offence, if given orally to an officer-in-charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

A copy of the information as recorded under sub-section (1) of S.154 of Cr.P.C. shall be given forthwith, free of cost, to the informant.

Any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) of S.154 of Cr.P.C. may send the substance of such information, in writing and by post, to the Superintendent of Police concerned, who, if satisfied that such information discloses

the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by the Cr.P.C., and such officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

FIR—Inaction of police officials in registering FIR.—Whenever any information is received by the police about the alleged commission of offence which is a cognizable one there is a duty to register the FIR. There can be no dispute on that score. The correct position in law, therefore, is that the police officials ought to register the FIR whenever facts brought to its notice show that cognizable offence has been made out. In case the police officials fail to do so, the modalities to be adopted are as set in Section 190 read with Section 200 of the Criminal Procedure Code.

Any telephonic information about commission of a cognizable offence, if any, irrespective of the nature and details of such information cannot be treated as first information report. If the telephonic message is cryptic in nature and the officer-in-charge, proceeds to the place of occurrence on the basis of that information to find out the details of the nature of the offence if any, then it cannot be said that the information which had been received by him a telephone shall be deemed to be a FIR. The object and purpose of giving such telephonic message is not to lodge the first information report but to make the officer-in-charge of the police station to reach the place of occurrence.

Section 157 of Cr.PC requires that FIR should be forwarded to the Magistrate "forthwith", what is the consequence if it is not forwarded forthwith? Non-compliance with that direction need not necessarily provide room for an inference that FIR was concocted. On the ground of delay it is not permissible to quash the FIR unless the delay is intentional and can be assigned to the prosecution. The delay in communicating the FIR to the Magistrate does not minimize the importance of FIR. FIR is not a substantive piece of evidence. It could be used for contradiction and corroboration to the statement of the author of FIR in Court. Information under S.154 must not be vague but definite enough to enable the police to start investigation.

It is evident that after lodging the FIR, the informant's right to pursue investigation or to know the result of such investigation is not lost. He has right and locus to pursue the investigation by the Police upon his information given under

Section 154 of Cr.P.C., so that the offence is lawfully investigated and the culprit is brought to book for being tried and punished by the competent court.[1]

Police Officers Powers to Investigate Cognizable Cases:

Any officer in-charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII of the Code. The police officer has a power to investigate the case u/s., 156(1) of the Code. No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Any Magistrate empowered under Section 190 of the code may order such an investigation as above-mentioned u/s.156 (3) of the Code. If there are indications that some cognizable offence has been committed, the Magistrate can direct police to investigate without examination the complainant or his witnesses' u/s.156 (3) of the Code.

Cognizance of "Police Report".—under the circumstances, the Police was required to submit its report under Section 173 of Cr.P.C. It is only on receipt of "Police Report" that the Magistrate could take cognizance of the offence under Section 190(1)(b) of Cr.P.C.

Court's Supervisory power over police investigation and prosecution.--In India too the investigation police have to work under the supervision of the Magisterial Court even though they do not get the Court's protection if there is any undue obstruction or interference, political or otherwise, with their work of investigation. As a matter of fact the scheme of Chapter XII, of the Cr.P.C. too shows that while investigating a case the investigating officer acts under the control and supervision of the Magistrate. Under Section 156, Cr.P.C. the Magistrate can ask him to investigate a case. Under Section 157, Cr.P.C. the investigating officer is required to send an intimation to the Magistrate when a cognizable case is reported, under Sections 158 and 159, Cr.P.C. the Magistrate can direct him to investigate a case

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which he has refused to investigate, under Section 164 Cr.P.C. he is required to get a statement or confession recorded by Magistrate, under section 165, Cr.P.C. he is required to send to the Magistrate the grounds for conducting a search without a warrant, under section 167, Cr.P.C. he is required to forward the accused to the Magistrate and apply to him not only for time but also for remanding of the accused to judicial or police custody, under Section 169, 170 and 173, Cr.P.C. the investigating officer is required to report the result of the investigation to the Magistrate under different circumstances and also to forward the exhibits of the case to him, and under Section 174, Cr.P.C. he has to send an intimation and an inquiry report to the Magistrate in all cases of unnatural deaths.

Now, it is moot point as to why the investigating police who have been so squarely placed under the supervision and control of the Magistrate should not also get the benefit of protection of the law of contempt of courts in case there is an attempt to interfere with their statutory duties; for, an investigation is nothing but a preliminary step to help the ultimate judicial process before a court of law. Prior to the enactment of the new Contempt of Courts Act, 1971, publication of a statement which had a tendency to prejudice the mankind in favour or against a party in a case under investigation amounted to contempt of Court if the accused had been arrested or his arrest was imminent. The same position holds good in regard to withdrawal of cases **en masse** on political grounds; for, the power to withdraw a case has been given under Section 321, Cr.P.C. to the Public Prosecutor and not to any political boss or to the District Magistrate.

The duty of an investigating officer is not only to bolster up the prosecution case with such evidence as may enable the Court to convict the accused, but to bring out the real and unvarnished case so that justice may be done. The primary duty of the police, thus is to collect and sift the evidence of the commission of the offence to find whether the accused committed the offence or has reason to believe to have committed the offence and the evidence available is sufficient to prove the offence and to submit his report to the competent Magistrate to take cognizance of the offence. It is the duty of the investigating agency to collect all materials relatable to the case and counter-case and ultimately form an opinion on the materials so collected and the opinion so formed may result in filing of a positive or negative report. It is the duty of the Court, on the materials so placed to frame charges against the accused.

Investigation conducted by police who is himself complainant and witness to crime would not vitiate automatically.

Since police officer, on whose report crime is registered is not **de facto** complainant, hence he is competent to carry out investigation.

Even if there is irregularity in investigation, the trial cannot be held to be illegal unless it is shown that miscarriage of justice has been caused to the accused on account of the illegal investigation.

Power of an officer-in-charge of police station to investigate a cognizable case.—An officer-in-charge of a police station can investigate a cognizable case without any order from any Magistrate. He can investigate whether all the offences are cognizable or one of them is cognizable. Accused has no right to interfere into matter as to who should investigate the offence hs is charged with.

Investigation of cognizable offence by police—Magistrate cannot stop investigation.—The power of police to investigate any cognizable offence is uncontrolled by the Magistrate, but it is only in cases where the police decided not to investigate the case that the Magistrate, can intervene either direct an investigation, or, in alternative himself proceed or depute a Magistrate subordinate to him to proceed to enquire into the case. The power of police to investigate has been made independent of any control by the Magistrate.[1]

6.10 EXAMINATIONS OF WITNESSES BY POLICE:

Any police officer making an investigation under Cr.P.C. or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, otgher than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

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The police officer may reduce any statement made to him in the course of an examination and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.

In Balakrishan V. State of Rajasthan, it was observed as under:-

"The words 'at any enquiry or trial in respect of any offence under investigation' imply that such a statement cannot be used during any enquiry or trial for the offence. But the use of such a statement recorded under Section 161, Cr PC is not prohibited for any other purpose or in a subsequent stage of the same case after when the trial is concluded…"

The witness, whose statement was not recorded under Section 161 of CrPC, can be permitted to be produced before the Court. Such witness is competent witness. An Investigating Officer is not bound to record the statements of witnesses that seems clear from sub-section (3) of Section 161 of Cr.PC. But, if he does reduce the statements into writing he must make a separate record of the statement of each of the person whose statement he records. In other words, if a police officer examines a number of witnesses, he cannot record a condensed version of the examination of all of them or a précis of what the witnesses are supposed to have said. He must record what each witness says. He cannot, for example, record the witnesses 'A', 'B', and 'C' said so and so. Neither can he lawfully do what police officers frequently do that is, record the statement of 'A' and then add that witnesses 'B' and 'C' corroborate what 'A' says. Now, the settled law is that failure to comply with the provisions of Section 161(3) might affect the weight to be attached to the evidence of the witnesses.

The right of examining orally 'any person supposed to be acquainted with the facts and circumstances of the case' is conferred on any police officer making an investigation under Section 161(1) OF Cr.PC, 'any person' in the Section includes an accused person consequently an accused also can be examined. But, the accused cannot be compelled to answer questions that materially incriminate him or her in the pending or imminent investigations or prosecutions.

If an accused wants the presence of a lawyer at the time of his interrogation the police should allow him to engage a counsel for that purpose. (Ram Lal Wani v. State, 1981 Cri LJ 97; Gian Singh v. State, 1981 Cri LJ 100.)

The FIR as well as the statement given by the injured to the Investigating Officer is not admissible as dying-declaration under Section 32 of the Evidence Act and in Court's view, the said conclusion is unassailable.

A person summoned to answer under this section shall not be compelled to answer those questions the answer of which would make him or her liable to criminal charge, penalty or forfeiture.

Investigation in the case being completed within the statutory period of 90 days and a further report being filed by the Investigating Officer after further material was available to him, it cannot be said that he submitted charge-sheet in installments and the accused does not become entitled to get bail as a matter of right.

POLICE OFFICER'S POWER TO REQUIRE ATTENDANCE OF WITNESSES:

Any Police Officer making an investigation under the CrPC may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

The State Government may, by rules made in this behalf, provide for the payment by the public officer of the reasonable expenses every person, attending at any place other than his residence.

An investigating officer can summon a person only by an order in writing. The absence of an order in writing as required by this Section is no doubt an irregularity. It would certainly justify the failure or refusal of the suspect to obey the order, but if the person summoned complies with the order the irregularity is waived.

Investigating machinery could require even a witness to appear at different places where investigation is required to be carried out. Person called upon to assist

investigation machinery could not refuse to go to such place on ground that it amounted to denial of his personal liberty.

It is not essential for an investigating officer to summon a witness before examining him. Any person present at the time of investigation may be examined. Section 160 of Cr PC does not authorize the requisitioning of production of document. The person on whom legal requisition has been served under this Section must appear at the place and time given by the investigation officer. Disobedience of such order is punishable under Section 174, I.P.C. If the requisition order is not valid in the sense that it does not give the date, place and time of appearance, the disobedience would not be punishable.

'Any person' mentioned in Section 160(1) Cr PC means and includes 'any accused person' and they could be summoned to appear as witnesses since such a summons issued to an accused in a case under investigation by the Investigating Officer is not at all vocative of the Article 30(3) of the Constitution of India. (Pulavar B.M. Senguttuvan v. State, 2004 Cri LJ 558 at 562 (Mad.))

POLICE TO ENQUIRE AND REPORTS ON SUICIDE, ETC.

When the officer-in-charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal, or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighborhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. (Under section 174 of Cr P C).

The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When,--

The case involves suicide by a woman within seven years of her marriage; or
the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
The case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
There is any doubt regarding the cause of death; or
The police officer for any other reason considers it expedient so to do,

he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

Dowry death—Police how to investigate.—It would be of a considerable assistance if an appropriately high priority was given to the investigation of dowry cases, if a special magisterial machinery was created for the purpose of the prompt investigation of such incidents and efficient investigative techniques and procedures were adopted taking into account the peculiar features of such cases. A female police officer of sufficient rank and status in the police force should be associated with the investigation from its very inception.

If the inquest report is not sent with the dead body to the doctor it may be inferred that the police prepared it afterwards. If the inquest report is unreasonably delayed the genuineness of FIR becomes doubtful.[1]

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6.11 INFORMATION AS TO NON-COGNIZABLE CASES AND INVESTIGATION OF SUCH CASES:

When information is given to an officer-in-charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer the informant to the Magistrate.

No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer-in-charge of a police station may exercise in cognizable cases.

Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable. (Cr PC 155).

Complaint was filed alleging criminal intimidation under Section 506, IPC which was non-cognizable offence. Police had investigated into case without having any order from competent Magistrate. Based on report of such an investigation order taking cognizance of offence was without jurisdiction and liable to be set aside.

Which police officer to investigate.—the investigation of a non-cognizable offence is limited in its application to a police officer receiving such order. No other police officer can investigate. Any police officer may be ordered to investigate. He may or may not be an officer-in-charge of the police station. It means Court can order to investigate into the matter to Dy.S.P. Also by his designation or by name.

Who can order investigation.—Sub-section (2) of S.155 Cr PC requires a Magistrate to have both territorial jurisdiction and a power to try or to commit before he can make an order to investigate.

Who could file application for investigation into non-cognizable case.—Application for investigation into non-cognizable case could be filed by complainant. Section 155(2), Cr PC does not provide that but for the Police Officer no other person could approach Magistrate for seeking his direction under aforesaid section. **(Kunwar Singh v. State of UP 2007 Cri LJ 1364 (All).**

6.12 DUTIES OF POLICE OFFICERS UNDER BOMBAY POLICE ACT 1951.

ACCORDING TO SECTION-28. POLICE OFFICERS TO BE DEEMED TO BE ALWAYS ON DUTY AND TO BE LIABLE TO EMPLOYMENT IN ANY PART OF THE STATE.(1) Every Police Officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police Officer or any number or body of Police Officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time, be employed on Police duty in any other part of the State for so long as the services of the same may be required there.

Chapter-vi.(B.P.Act 1951) EXECUTIVE POWERS AND DUTIES OF THE POLICE.

According to **Section 64 DUTIES OF A POLICE OFFICER:-**It shall be the duty of every Police Officer-

promptly to serve every summons and obey and execute every warrant or and other order lawfully issued to him by competent authority, and to Endeavour by all lawful means to give effect to the lawful commands of his superior;

to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences;

To prevent to the best of his ability the commission of public nuisances;

To apprehend without unreasonable delay all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;

To aid another Police Officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

To discharge such duties as are imposed upon him by any law for the time being in force.

According to **Section-65. Power to enter places of public resort.-**

(1) Every Police Officer may, subject to the rules and others made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

(2) Power to search suspected persons in a street.—When in a street or a place of public resort a person has possession or apparent possession of any article which a Police Officer in good faith suspects to be stolen property, such Police Officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to Cr PC or other law in force.

According to **Section-66. DUTIES OF POLICE OFFICERS TOWARDS THE PUBLIC.-**It shall be the duty of every Police Officer,--

to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appears dangerous or incapable of taking care of themselves;

to take prompt measures to procure necessary help for any person under arrest or in custody, who is wondered or sick and whilst guarding or conducting any such person, to have due regard to his condition;

to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

In conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

In dealing with women and children to act with strict regard to decency and with reasonable gentleness;

To use his best endeavors to prevent any loss or damage by fire;

To use his best endeavors to avert any accident or danger to the public.

According to Section-67. Police to regulate traffic, etc. in streets.—it shall be the duty of a Police Officer—

to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighborhood of places of public worship during the time of public worship;

to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

According to **Section-68. Persons bound to conform to reasonable orders of Police:--**All persons shall be bounded to conform to the reasonable directions of a Police Officer given in fulfillment of any of his duties under this Act.

According to **Section-69. Power of Police Officer to restrain, remove, etc:-** A Police Officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in Section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

According to **Section 70. Enforcement of orders issued under Sections 37, 38, or 39:-**Whenever a notification has been duly issued under Section 37 or an order has been made under sections 38 or 39, it shall be lawful for any Magistrate in a District or Police Officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and in case of refusal, or disobedience, to arrest

the person offending. Such Magistrate or Police Officer of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

According to **Section-71. Duty of Police to see orders issued under sections 43, 55, 56, 57 or 63AA are carried out:-**It shall be the duty of the Police to see that every regulation and direction made by any authority under sections 43, 55, 56, 57, or 63AA are duly obeyed to warn persons who from ignorance fail to obey the same and to arrest any person who willfully disobeys the same.

According to **Section-72. When Police Officer may arrest without warrant:-**Any Police Officer may, without any order from a Magistrate and without a warrant, arrest-

Any person who has been concerned in an offence punishable under section 121 or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

Any person who contravenes a rule or order under clause (x) of sub-section (1) of section 33 or an order or notification under sections 36, 37, 56, 57, or 63AA.

(2A) any person who contravenes any order made under sub-section (1) of section 63A;

Any person who commits an offence punishable under section 122 or section 136.

NOTES.

Guidelines for arrest:--To check the abuse of police power, transparency and accountability are possible safeguards to be insisted upon. Training needs to be restructured, attitude and approach of police also need a change. Presence of counsel of arrestee during interrogation may deter the police from using third degree methods for interrogation. It is, therefore, appropriate to issue necessary requirements to be followed in all bases of arrest or detention till legal provisions are made in that behalf

as preventive measures (List of 11 points). **D.K.Basu v. State of W.B, AIR 1997 SC 610; 1997 (1) SCC 416; 1997 SCC (Cri) 92.**

According to **Section-78. Power of Police Officer to unsaddle the animal or unload:--**When a Police Officer in good faith suspects that any animal being employed in any work or labour is, by reason any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascedrtaining whether any sore exists and, if any person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

According to **Section-79. Power of Police to arrest without warrant when certain offences committed in his presence:-**Any Police Officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117 or section 125 or section 130 or sub-clause (i), (iv) or (v) of section 131 or clause (i) of section 135 in respect of contravention of any order made under section 39 or 40.

According to **Section-80. Other power of arrest:--**

(1) Any Police Officer specially employed in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(2) Any Police Officer may, on the information of any person in possession, or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

According to **Section-81. Refusal to obey warning or to accompany Police:-** A Police Officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule there under and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

after being warned by a Police Officer persists in committing such offence, or
Refuses to accompany the Police Officer to a Police Station on being required so to do.

According to Section-82. Police to take charge of unclaimed property :--

(1) The Police shall take temporary charge—

of all unclaimed property found by, or made over to them, and also

Of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(2) [In any area for which a Commissioner has been appointed] the property of which the Police have taken charge under sub-section (1) shall be handed over to the Commissioner.

A Police Officer has to discharge his duties for the **provisions of following sections of Bombay Police Act 1951** also.

According to **Section-83. Police has to take possession of Intestate property over four hundred rupees in value:--**

(1) [In any area under the charge of a Commissioner] if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator-General with a view to its being dealt with under the provisions of the Administrator-General's Act, 1913 or other law for the time being in force.

(2) [In areas outside the charge of a Commissioner] the property shall be delivered to the police-Patel, if any, of the town or village in which the same was found, and a receipt therefore taken from the police-Patel, who shall forward such property to the Magistrate to whom such police-Patel is subordinate. If in any such case there be no police-Patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

According to **Section-84. Intestate property over four hundred rupees in value:-**If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such

Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

According to **Section-85. Procedure in other cases:--**

(1) In any case not covered by section 83 or 84, the Commissioner, or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto [to appear before himself or some other officer whom he appoints in this behalf within three months from the date of such proclamation and establish his claim within a period not exceeding three months after such appearance:

Provided that the Commissioner, the Magistrate or the concerned officer, may, in any appropriate case, for reasons to be recorded in writing, extend the said period of three months for establishment of the claim by such further period and subject to such conditions as he may deem fit.]

(2) **Power to sell perishable property at once**:- If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than [fifty rupees], it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt within the same manner as is hereinafter provided for the disposal of the said property.

According to **Section-86. Delivery of property to person entitled: -**

(1) The Commissioner, or, the Magistrate concerned, as the case may be, shall on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of Section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

(2) **Power to take security: -** The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), to take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinabove contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

According to **Section-89. Police officer may take charge of stray cattle:-**[In any area outside the charge of a Commissioner] a Police Officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871 which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of [that Act].

According to **Section-90. Power to establish cattle-pounds and appoint pound-keepers**:-

(1) [In any area under the charge of a Commissioner], the Commissioner shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner.

According to **Section-90A. Penalty for allowing cattle to stray in street or trespass upon private or public property:-**

(1) Whoever in [any area under the charge of a Commissioner] allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished-

for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both;
For the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2) The Magistrate trying the offence under sub-section (1) may order:--

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land; and also

(b) That the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognizable).

According to **Section-91. Impounding of cattle:-**It shall be the duty of every Police Officer, and it shall be lawful for any other person, to seize, and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in [any area under the charge of a Commissioner].

According to **Section-92. Delivery of cattle claimed:-** If the owner of the cattle impounded under Section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

According to **Section-95. Powers as to inspection, search and seizure of false weights and measures**:-

(1) Notwithstanding anything contained in Cr PC, any Police Officer generally or specially deputed, in [any area under the charge of a Commissioner], by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighting or measuring used or kept therein.

(2) If he finds in such shop or premises weights, measures or instruments, for weighing or measuring which he has reason to believe are false, he may seize the

same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

According to **Section-97. A superior Police Officer may himself perform duties imposed on the inferior; etc:**--A Police Officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding as infringement thereof.

According to **Section-98. Emergency duties of Police :**--

(1) The State Government may, by notification in the Official Gazette, declare any specified service to be an essential service to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every Police Officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

According to Section-159. No Magistrate or Police Officer to be liable to penalty or damage for act done in good faith in pursuance of duty:--No Magistrate or Police Officer shall be liable to any penalty or to payment of damages on account of an act done on good faith, in pursuance or intended pursuance of any duty imposed or

any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.[1]

6.13 Establishment of National Investigating Agency:

After the grievous attack on Bombay City by Pakistani Terrorists in 2008 it was a badly need to make more powerful the agencies of investigation. The Central Government established a new agency named NATIONAL INVESTIGATING AGENCY. NOW-A-DAYS in the cases of terrorism or in the cases of SEDITION registered under section 124-A of Indian Penal Code 1860, the N.I.A. investigates the cases.

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1. **BOMBAY POLICE ACT 1951.**